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Committee on Un-American Activities
House
88th Congress

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U.S. Doc. 2, 797

U.S. COMMUNIST PARTY ASSISTANCE TO FOREIGN
COMMUNIST PARTIES
(VETERANS OF THE ABRAHAM LINCOLN BRIGADE)

HEARING
BEFORE THE
COMMITTEE ON UN-AMERICAN ACTIVITIES
HOUSE OF REPRESENTATIVES
EIGHTY-EIGHTH CONGRESS
FIRST SESSION

JULY 29, 1963

INCLUDING INDEX

Printed for the use of the Committee on Un-American Activities



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Congressional
hearings

Un-American
activities

House

WILLIAM M. T
JOE R. POOL, '
RICHARD H. I
GEORGE F. SE

88th Congress
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COMMITTEE ON UN-AMERICAN ACTIVITIES

UNITED STATES HOUSE OF REPRESENTATIVES

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FRANK S. TAVENNER, Jr., *General Counsel*

ALFRED M. NITTLE, *Counsel*

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PUBLIC LAW 601, 79TH CONGRESS

The legislation under which the House Committee on Un-American Activities operates is Public Law 601, 79th Congress [1946]; 60 Stat. 812, which provides:

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, * * **

PART 2—RULES OF THE HOUSE OF REPRESENTATIVES

RULE X

SEC. 121. STANDING COMMITTEES

* * * * *

17. Committee on Un-American Activities, to consist of nine Members.

RULE XI

POWERS AND DUTIES OF COMMITTEES

* * * * *

(q) (1) Committee on Un-American Activities.

(A) Un-American activities.

(2) The Committee on Un-American Activities, as a whole or by subcommittee, is authorized to make from time to time investigations of (i) the extent, character, and objects of un-American propaganda activities in the United States, (ii) the diffusion within the United States of subversive and un-American propaganda that is instigated from foreign countries or of a domestic origin and attacks the principle of the form of government as guaranteed by our Constitution, and (iii) all other questions in relation thereto that would aid Congress in any necessary remedial legislation.

The Committee on Un-American Activities shall report to the House (or to the Clerk of the House if the House is not in session) the results of any such investigation, together with such recommendations as it deems advisable.

For the purpose of any such investigation, the Committee on Un-American Activities, or any subcommittee thereof, is authorized to sit and act at such times and places within the United States, whether or not the House is sitting, has recessed, or has adjourned, to hold such hearings, to require the attendance of such witnesses and the production of such books, papers, and documents, and to take such testimony, as it deems necessary. Subpenas may be issued under the signature of the chairman of the committee or any subcommittee, or by any member designated by any such chairman, and may be served by any person designated by any such chairman or member.

* * * * *

RULE XII

LEGISLATIVE OVERSIGHT BY STANDING COMMITTEES

SEC. 136. To assist the Congress in appraising the administration of the laws and in developing such amendments or related legislation as it may deem necessary, each standing committee of the Senate and the House of Representatives shall exercise continuous watchfulness of the execution by the administrative agencies concerned of any laws, the subject matter of which is within the jurisdiction of such committee; and, for that purpose, shall study all pertinent reports and data submitted to the Congress by the agencies in the executive branch of the Government.

RULES ADOPTED BY THE 88TH CONGRESS

House Resolution 5, January 9, 1963

* * * * *

RULE X

STANDING COMMITTEES

1. There shall be elected by the House, at the commencement of each Congress,

* * * * *

(r) Committee on Un-American Activities, to consist of nine Members.

* * * * *

RULE XI

POWERS AND DUTIES OF COMMITTEES

* * * * *

18. Committee on Un-American Activities.

(a) Un-American activities.

(b) The Committee on Un-American Activities, as a whole or by subcommittee, is authorized to make from time to time investigations of (1) the extent, character, and objects of un-American propagandea activities in the United States, (2) the diffusion within the United States of subversive and un-American propagandea that is instigated from foreign countries or of a domestic origin and attacks the principle of the form of government as guaranteed by our Constitution, and (3) all other questions in relation thereto that would aid Congress in any necessary remedial legislation.

The Committee on Un-American Activities shall report to the House (or to the Clerk of the House if the House is not in session) the results of any such investigation, together with such recommendations as it deems advisable.

For the purpose of any such investigation, the Committee on Un-American Activities, or any subcommittee thereof, is authorized to sit and act at such times and places within the United States, whether or not the House is sitting, has recessed, or has adjourned, to hold such hearings, to require the attendance of such witnesses and the production of such books, papers, and documents, and to take such testimony, as it deems necessary. Subpenas may be issued under the signature of the chairman of the committee or any subcommittee, or by any member designated by any such chairman, and may be served by any person designated by any such chairman or member.

* * * * *

27. To assist the House in appraising the administration of the laws and in developing such amendments or related legislation as it may deem necessary, each standing committee of the House shall exercise continuous watchfulness of the execution by the administrative agencies concerned of any laws, the subject matter of which is within the jurisdiction of such committee; and, for that purpose, shall study all pertinent reports and data submitted to the House by the agencies in the executive branch of the Government.

SYNOPSIS

On July 29, 1963, a subcommittee of the Committee on Un-American Activities held a public hearing in Washington, D.C., on the activities of the Veterans of the Abraham Lincoln Brigade (VALB) in soliciting from the American public funds and materials which it pretended would be used to assist families of persons imprisoned in Spain because they had taken part in strikes in the spring of 1962.

A principal legislative purpose of the committee was to determine the necessity for remedial legislation requiring a more candid disclosure of the purposes and objectives of solicitations conducted by Communist-oriented organizations in the United States for the benefit of foreign Communist persons, parties, or interests. The committee was also considering the advisability of amending the Foreign Agents Registration Act of 1938 to extend the definition of the term "agent of a foreign principal" so as more effectively to accomplish the purposes of the Act.

The subcommittee was composed of Representatives William M. Tuck (chairman), Joe R. Pool, Richard H. Ichord, Donald C. Bruce, and Henry C. Schadeberg.

The VALB was cited as subversive and Communist by the United States Attorney General in 1947 and found by the Subversive Activities Control Board (SACB) in 1955 to be a Communist-front organization and, as such, required to register under the Internal Security Act of 1950. The order of the Board is presently on appeal to the Court of Appeals in the District of Columbia.

Testimony before the Board clearly shows that the VALB was created in accordance with directives issued by the Politburo of the Communist Party, U.S.A., beginning in late 1937, in anticipation of the return of veterans from Spain. These directives were issued at a series of meetings at which representatives of the Comintern were in attendance, particularly Fred Brown of the staff of Gerhart Eisler, who was then the Comintern representative in the United States. According to the report of the SACB, dated December 21, 1955, approximately 3,000 men went to Spain from the United States to serve in the 15th International Brigade. Of this number, 1,800 returned to the United States and less than 600 survive today.

Official Communist Party reports established that the principal objective and major purpose of the VALB was to serve as an integral part of the Communist Party apparatus and to advance Marxism-Leninism and Communist influence in the United States. It also kept alive the struggle for a Communist victory in Spain as the back door to Latin America, at the same time providing a vigorous group of men to carry out party programs.

Preliminary investigation by the committee indicated that, under the guise of assisting "political prisoners" and "striking workers," the VALB has sought financial and other contributions from United States citizens for the purpose of assisting the Communist underground movement in Spain.

Appearing as the sole witness before the subcommittee was Moe (Mosess) Fishman, executive secretary of the VALB. A native of New York City, Mr. Fishman testified that he received his elementary and secondary schooling in that city and that he had attended the City College of New York from 1932 until about 1935, earning credits equivalent to 2 years of college. When questioned on nearly all other subjects, however, Mr. Fishman repeatedly invoked the first and fifth amendments to the Constitution as his reasons for refusing to answer.

Mr. Fishman refused to say whether he was presently the executive secretary or secretary of the VALB and whether he had been employed in either one of those positions since 1950. He also declined to state if he was ever affiliated with the VALB in any capacity. Mr. Fishman refused, on his previously stated grounds, to answer any questions pertaining to the organization and activities of the VALB.

The subcommittee counsel established for the record that the VALB is located at Room 405, 49 East 21st Street, New York, N.Y., which is also the address of the headquarters of the American Committee for Protection of Foreign Born (ACPFB), an organization cited as subversive and Communist by the Attorney General in 1948. When asked if the VALB and the ACPFB occupied the same address in New York, Mr. Fishman declined to testify.

Introduced in evidence at the hearing was a photostatic copy of an advertisement bearing the caption "what about the children?" which appeared on page 9 of the January 24, 1963, issue of the *National Guardian*. At the lower left of the advertisement appeared a coupon for clipping, with the VALB of New York, N.Y., listed as the addressee and containing the notation at the bottom: "Please make checks to: M. Fishman, Secretary."

The advertisement was an appeal by the VALB on behalf of the "wives and children" of men in Spain "now imprisoned because they dared to take part in the great strikes of 1962." It urged readers to make one of these families their concern and requested that a coupon in the advertisement be clipped and mailed to the VALB. An identical advertisement appeared on page 10 of the February 3, 1963, issue of *The Worker*, official publication of the Communist Party.

Mr. Fishman, in response to questioning, refused to state whether he was the same individual referred to in the advertisements, whether he wrote the copy for the advertisements, or whether he arranged for the insertion of the ads in either the *National Guardian* or *The Worker*.

The subcommittee counsel introduced in evidence copies of mimeographed VALB form letters mailed to six individuals who sent inquiries to the VALB in response to the foregoing published advertisements. Each letter, bearing the signature of Mr. Fishman as VALB secretary, advised the addressee to forward "good used clothing for men, women and children" to a certain person in Spain, whose name and address was typed at the bottom of the letter. The persons whose names appeared on the six letters as intended recipients of aid were: Teresa Carbajar de Andres, Matilde Morales, Encarnacion Nunez Velanos, Sofia Castra Martinez, Ana Hernandez Hernandez and Eulogia del Castillo.¹ The subcommittee counsel disclosed

¹ Committee investigation revealed misspellings in two of the above names. The correct spellings are: Teresa *Carrajal* de Andres and Sofia *Castro* Martinez. The investigation further revealed that two other names were incomplete, the full names being: Matilde Morales Arcos and Eulogia de Castillo Villarrubia.

that all these individuals represented families of persons who had been imprisoned for Communist activities at various times since the Spanish Civil War. Committee information also revealed, however, that none of them is presently in prison for acts committed during the spring strikes of 1962, as claimed by the VALB in its advertisements. Moreover, four were in jail at the time the VALB advertisements were published and their imprisonment (for Communist activities) predated, and was in no way associated with, the spring strikes of 1962.

Mr. Fishman was questioned extensively regarding each Spanish family recommended for relief by the VALB. He took refuge behind the first and fifth amendments when asked if he was the author of the form letters and if he actually mailed them in response to inquiries received from readers of the VALB advertisements. Moreover, he declined to reveal the source from which the names of the Spanish families were obtained. When specifically asked whether he had obtained the names from either representatives of the Central Committee of the Communist Party of Spain or from any functionary of the Communist Party, U.S.A., Mr. Fishman also refused to answer.

Mr. Fishman declined to provide the committee with any information regarding the backgrounds of the families who were listed on the form letters. He also refused to disclose the names and addresses of other persons residing in Spain on whose behalf he was seeking supplies and contributions on the alleged basis that they were inadequately fed and clothed. When asked why he failed to indicate in either his advertisements or in his letters the fact that the intended recipients of aid were actually families of persons imprisoned because of Communist activities, Mr. Fishman again invoked the same constitutional privileges.

On the date of the hearing, the committee had not completed its investigation into the background of two additional individuals in Spain who had been recommended as recipients of relief in letters signed by Mr. Fishman. The two were Ana Salvador Martin and Maria Paz Roda Zarabozo.

The committee has since learned that Ana Salvador Martin is a widow residing in Madrid, who has been arrested on several occasions on charges of harboring Communist Party members sought by Spanish authorities. Her son, Gregorio Valero Salvador, has been in prison in Spain since 1944, when he was arrested for working in underground activities of the Communist Party.

Maria Paz Roda Zarabozo, also living in Madrid, is the wife of Aladino Cuervo Rodriguez, who has been imprisoned in Spain since February 1960 on charges that he was a member of the Spanish Communist Party directly responsible for an underground organization operating in northern Spain. Senora Roda, then a child, was sent to live in the Soviet Union in 1937, during the Spanish Civil War. She reportedly married her now imprisoned Spanish Communist husband, Cuervo Rodriguez, while living there. She did not return to Spain until 1956.

Mr. Fishman stated that he was unaware of the fact that high ranking Communist Party officials have actually supported and confirmed the Spanish Government's claim that the 1962 strikes were led and inspired by Communists. At this point, an article appearing in

the January 1963 issue of *World Marxist Review*, an official organ of the world Communist movement, was introduced in evidence. The article, entitled "Communists on Trial in Spain," was written by Sebastian Sapirain, a member of the Central Committee of the Communist Party of Spain.

Sapirain wrote, in part :

Last spring Spain saw one of the biggest strike movements in the history of the working class of our country. The strikes * * * embraced some 26 provinces * * *. Although at first a struggle for wage demands, the political character of the strikes soon became apparent.

Then, referring to the scale of the strikes, Sapirain said :

This is mainly due to the persevering work conducted by the Communist Party.

In the article, Sapirain quoted with approval a statement made by Ramon Ormazabal Tito,² a member of the Central Committee of the Communist Party of Spain, when the latter was arrested on June 14, 1962, in Biscay, together with several other Communists. Ramon Ormazabal Tito² stated :

I declare that the Communist Party assumes the responsibility for the recent big strikes in Euzkadi * * * and throughout Spain.

The subcommittee counsel asked Mr. Fishman whether it was a fact that the immediate objective of the VALB in its present fund-raising and other activities is to assist in strengthening the Communist underground in Spain and, also to that end to obtain the release of imprisoned Communists. In response to this question, Mr. Fishman stated that he had no knowledge or belief concerning the subject.

The March 1962 issue of *Esquire* magazine contained an article titled "The Abraham Lincoln Brigade Revisited," by Brock Brower. The author, in reporting an interview with Mr. Fishman, quoted the witness as making the following statement with respect to the VALB.

I'm the organization. There's no other thing. If there's something to decide. I talk it over with the guys, and then decide what I'm going to do. Cockeyed, but that's the way it is.

Mr. Fishman again invoked the first and fifth amendments when asked if the statement attributed to him in the *Esquire* magazine article was correct.

The subcommittee's counsel introduced a copy of page 4 of the January 11, 1943, issue of the *Daily Worker*, official Communist publication, containing an article by Sender Garlin, titled "Chelsea Communists—Community Patriots." The article identified Mr. Fishman as a Spanish veteran and as the chairman of the West Side Village Club of the Communist Party of New York. Mr. Fishman refused to confirm or deny whether he was the same person whose name appeared in Sender Garlin's article. He likewise declined to state if he was presently a member of the Communist Party and if he had been a party member following the close of World War II.

Mr. Fishman again invoked the first and fifth amendments when asked if he had ever been in Spain, if he served in the International Brigade in the Spanish Civil War from 1937 to 1938, and whether the Abraham Lincoln Brigade was a Communist-organized unit.

² Correct spelling "Tife."

A copy of Mr. Fishman's passport application, dated March 31, 1937, was introduced in evidence by the subcommittee counsel. According to that application, Mr. Fishman swore that he intended to use a U.S. passport for 3 months for the purpose of visiting relatives in England, France, and Poland. Appended to the application was an affidavit signed by Mr. Fishman which certified that he did not intend to use his passport for travel to Spain.

Mr. Fishman when questioned by the committee, declined to state whether, at the time he swore to the application, he actually intended to travel to Spain to serve the Communist cause in the International Brigade, rather than to visit relatives in other countries.

Mr. Fishman was shown a copy of another passport application, dated March 16, 1961, bearing the signature of Moses Fishman, together with an attached statement signed by the witness. Mr. Fishman's statement, appended to his application, stated:

I fought in the International Brigade which was part of the Spanish Republican Army for parts of 1937 and 1938 but I did not take an oath of allegiance to the Spanish Government nor did I participate in their electoral activities or elections.

He continued to invoke the first and fifth amendments and refused to affirm or deny that he was the Moses Fishman who had signed this passport application and attached statement. The witness also refused to state whether he falsely certified on his application the purposes and places of his intended visit. The committee disclosed that while Mr. Fishman swore on the application that he intended to visit France, he had actually traveled to Communist East Germany to attend a meeting of the Anti-Fascist Committee during the week of July 18 to 25, 1961. According to the previously mentioned *Esquire* magazine article, Mr. Fishman met some of his associates in the International Brigade on that occasion and heard repeated in German the farewell speech to the International Brigades originally given in Spanish by "La Pasionaria" (Dolores Ibarruri, a member of the Central Committee of the Spanish Communist Party) at the close of the Spanish Civil War. Mr. Fishman refused to answer several questions put to him regarding the *Esquire* report of his attendance at this meeting in Communist-held territory.

The witness, invoking the first and fifth amendments, declined to answer a series of questions regarding "La Pasionaria". Mr. Fishman denied having any communication with her since 1961—but then invoked constitutional privilege when asked whether he had corresponded with her to solicit a message she had sent to a VALB rally held in New York City during the spring of 1962.

Evidence offered at the hearing disclosed that in 1946 Mr. Fishman participated in the action of the Joint Anti-Fascist Refugee Committee (JAFRC) in diverting to the Spanish Communist underground clothing and other items it had ostensibly collected for the relief of persons suffering in Spain. (The JAFRC was cited as subversive and Communist by the U.S. Attorney General in 1947.) Mr. Fishman, in invoking the first and fifth amendments, refused to state whether he was affiliated with the JAFRC; however, he denied the existence of any fraud in connection with JAFRC's collection activities.

Mr. Fishman testified that, according to his knowledge, the VALB has not made application for registration with the U.S. Attorney General as an agent of a foreign principal pursuant to the Foreign Agents Registration Act of 1938.

At the conclusion of the hearing, the chairman of the subcommittee stated that "probably there are grounds for further investigation of this matter by the Justice Department, in view of the likelihood of this witness having violated section 1341 of Title 18 of the United States Code with respect to using the mails for fraudulent purposes and violated also section 1001 of the same title in regard to fraudulent statements or representations in connection with any matter or thing within the jurisdiction of any agency of the United States." The subcommittee chairman suggested that the staff forward the evidence and testimony of Mr. Fishman to the Department of Justice for whatever action it might deem appropriate.

**U.S. COMMUNIST PARTY ASSISTANCE TO FOREIGN
COMMUNIST PARTIES
(Veterans of the Abraham Lincoln Brigade)**

MONDAY, JULY 29, 1963

**UNITED STATES HOUSE OF REPRESENTATIVES,
SUBCOMMITTEE OF THE
COMMITTEE ON UN-AMERICAN ACTIVITIES,
*Washington, D.C.***

PUBLIC HEARING

A subcommittee of the Committee on Un-American Activities met, pursuant to call, at 10 a.m., in Room 219, Cannon House Office Building, Washington, D.C., Honorable William M. Tuck (chairman of the subcommittee) presiding.

Subcommittee members: Representatives William M. Tuck, of Virginia; Joe R. Pool, of Texas; Richard H. Ichord, of Missouri; Donald C. Bruce, of Indiana; and Henry C. Schadeberg, of Wisconsin.

Subcommittee members present: Representatives Tuck, Pool, Ichord, and Bruce.

Committee member also present: Representative John M. Ashbrook, of Ohio.

Staff members present: Francis J. McNamara, director; Alfred M. Nittle, counsel; and Neil E. Wetterman, investigator.

Mr. TUCK. The subcommittee will come to order.

The subcommittee is convened to conduct hearings upon the subjects of inquiry and for the legislative purposes set forth in a committee resolution adopted June 26, 1963. I offer this resolution for the record. It reads as follows:

BE IT RESOLVED, that hearings by the Committee on Un-American Activities, or a subcommittee thereof, be held in Washington, D.C., or at such other place or places as the Chairman may determine, on such date or dates as the Chairman may designate, relating to activities of members and affiliates of the Communist Party of the United States in obtaining money and the shipment of property, ostensibly for families of alleged political prisoners said to be incarcerated in Spanish jails, through false and fraudulent representations to the American public, for the following legislative purposes:

1. Consideration of the advisability of:

A. Amending Title 22, USC, 611 (c), by extending definition of the term "Agent of a Foreign Principal" so as to remove any doubt as to what should be the true test of agency within the meaning of this Act.

B. Amending the Internal Security Act of 1950 so as to make it a federal offense to engage in a scheme to defraud by obtaining or attempting to obtain money or property for the purpose of promoting or benefiting the government of a foreign country, foreign political parties and persons, partnerships, associa-

tions, corporations, organizations or other combinations of individuals, organized under the laws of, or having its principal place of business in, a foreign country, through false and fraudulent representations.

2. The execution, by the administrative agencies concerned, of the Foreign Agents Registration Act and all other laws, the subject matter of which is within the jurisdiction of this Committee, the legislative purpose being to exercise continuous watchfulness of the execution of these laws, to assist the Congress in appraising the administration of such laws, and in developing such amendments or related legislation as it may deem necessary.

BE IT FURTHER RESOLVED, that the hearings may include any other matter within the jurisdiction of the Committee which it, or any subcommittee thereof, appointed to conduct these hearings may designate.

We meet today to receive testimony relating to certain activities of the Veterans of the Abraham Lincoln Brigade, an organization cited as subversive and Communist by the Attorney General in 1947 and, in 1955, found by the Subversive Activities Control Board to be a Communist-front organization and, as such, required to register under the Internal Security Act of 1950. The order of the Board is presently on appeal to the Court of Appeals in the District of Columbia.

Preliminary investigation indicates that, under the guise of assisting "political prisoners" and "striking workers," the Veterans of the Abraham Lincoln Brigade has, in fact, sought financial and other contributions from United States citizens for the purpose of assisting the Communist movement in Spain.

We desire to explore the nature and extent of these activities with a view toward determining the necessity for remedial legislation, requiring more adequate disclosure of the purposes and objectives of solicitations conducted by such organizations, and persons acting on their behalf, and making punishable the failure to make such disclosures.

Inquiry for such purpose in no way impinges upon the first amendment rights of any person or group seeking to obtain the support of the American public, even though for Communist enterprises. As was said by Mr. Justice Frankfurter, in writing for the Supreme Court majority in the Communist Party case:

Where the mask of anonymity which an organization's members wear serves the double purpose of protecting them from popular prejudice and of enabling them to cover over a foreign-directed conspiracy, infiltrate into other groups, and enlist the support of persons who would not, if the truth were revealed, lend their support, it would be a distortion of the First Amendment to hold that it prohibits Congress from removing the mask.

I now offer for the record the order of appointment of this subcommittee, as follows:

JULY 11, 1963.

TO: Mr. Francis J. McNamara
Director
Committee on Un-American Activities

Pursuant to the provisions of the law and the Rules of this Committee, I hereby appoint a subcommittee of the Committee on Un-American Activities, consisting of Honorable William M. Tuck as Chairman, and Honorable Joe R. Pool, Honorable Richard Ichord, Honorable Donald C. Bruce, and Honorable Henry C. Schadeberg, as associate members, to conduct a hearing in Washington, D.C., on Monday, July 29, 1963, at 10 a.m., on subjects under investigation by the Committee and take such testimony on said day or succeeding days, as it may deem necessary.

Please make this action a matter of Committee record.
 If any Member indicates his inability to serve, please notify me.
 Given under my hand this 11th day of July, 1963.

/s/ Edwin E. Willis,
 EDWIN E. WILLIS,

Chairman, Committee on Un-American Activities.

I note that Mr. Schadeberg is not here and that Mr. Ashbrook, the gentleman from Ohio, a member of the full committee is present.

Are you ready, Counsel?

Mr. NITTLE. Yes, sir.

Mr. TUCK. Proceed.

Mr. NITTLE. Would Mosess Fishman please come forward?

Mr. TUCK. Would you rise and raise your right hand?

Do you solemnly swear the testimony you are about to give before this committee will be the truth, the whole truth, and nothing but the truth, so help you God?

Mr. FISHMAN. I do.

Mr. TUCK. You may be seated.

**TESTIMONY OF MOE (MOSESS) FISHMAN, ACCOMPANIED BY
 COUNSEL, JOSEPH FORER**

Mr. NITTLE. Would you state your full name and residence for the record, please?

Mr. FISHMAN. Just a moment, please.

My name is Moe Fishman. I live at 421 West 24th Street, New York City, New York.

Mr. NITTLE. Are you represented by counsel?

Mr. FISHMAN. Yes, I am.

Mr. NITTLE. Would counsel please identify himself for the record, stating his name and office address?

Mr. FORER. Joseph Forer, 711 Fourteenth Street, Northwest, Washington, D.C.

Mr. NITTLE. Mr. Fishman, you stated your first name to be "Moe," M-o-e. Is that correct?

Mr. FISHMAN. Yes.

Mr. NITTLE. Are you also known as Mosess Fishman?

Mr. FISHMAN. That is correct.

Mr. NITTLE. You also identify yourself as M. Fishman?

Mr. FISHMAN. That's correct.

Mr. NITTLE. Would you state the date and place of your birth, please?

Mr. FISHMAN. September 28, 1915, New York City.

Mr. NITTLE. Would you relate the extent of your formal education?

Mr. FISHMAN. I went through and received credits equivalent to the end of the sophomore term in the College of the City of New York.

Mr. NITTLE. Did you attend the public school system and, if so, would you state where and for what years?

Mr. FISHMAN. Yes. I, going backwards, graduated from Stuyvesant High School and attended public schools in Manhattan, Queens, the Bronx, and Brooklyn.

Mr. NITTLE. Were you in attendance at the university?

Mr. FISHMAN. If you are referring to the City College of New York, yes.

Mr. NITTLE. During what years were you in attendance there?

Mr. FISHMAN. 1932 through about 1935.

Mr. NITTLE. Did you receive any degree from that institution?

Mr. FISHMAN. No, I did not.

Mr. NITTLE. What is your present occupation?

Mr. FISHMAN. Well, at this point I am going to have to refuse to answer, for the following reasons: I don't think that this committee of Congress has the right to investigate the subject which was read by the chairman of the committee and that, even if it had, my conscience won't permit me to cooperate further in this type of investigation, because it violates the first amendment.

The question that has just been asked certainly is not pertinent to this inquiry. And I invoke my privilege under the fifth amendment not to be a witness against myself.

Mr. NITTLE. Are you presently the executive secretary or secretary of the Veterans of the Abraham Lincoln Brigade?

Mr. FISHMAN. Well, obviously, for the reasons that I have given, I invoke the privilege not to answer.

Mr. NITTLE. Have you not been employed since 1950—

Mr. FORER. Excuse me a minute.

(Counsel confers with witness.)

Mr. FORER. Would you repeat?

Mr. NITTLE. Have you not been employed since 1950 as the executive secretary of that organization?

Mr. FISHMAN. One moment, please.

(Witness confers with counsel.)

Mr. FISHMAN. I refuse to answer for the reasons I gave at the beginning.

Mr. NITTLE. Does not that organization maintain offices at Room 405, 49 East 21st Street, New York 10, New York?

(Witness confers with counsel.)

Mr. FISHMAN. I refuse on the same grounds.

Mr. NITTLE. Mr. Fishman, I hand you a photostatic copy of an advertisement bearing the caption, "what about the children?" marked for identification as "Fishman Exhibit No. 1," which appeared at page 9 of the January 24, 1963, issue of the *National Guardian*.

At the lower left of the advertisement appears a coupon for clipping, with the Veterans of the Abraham Lincoln Brigade, New York, New York, as the addressee, containing a notation at the bottom, "Please make checks to: M. Fishman, Secretary."

Are you not the M. Fishman whose name appears thereon as secretary?

(Witness confers with counsel.)

Mr. FISHMAN. Well, I am refusing on the same grounds. But I do want to go on record in saying that I think it is a very fine ad.

Mr. NITTLE. We shall ask you more questions about it and we hope you will have some further statements to make in connection with it.

I now hand you a photostatic copy of page 10 of the official Communist publication, *The Worker*, of February 3, 1963, marked for identification as "Fishman Exhibit No. 2."

You will note that the item titled "what about the children?" identical to that contained as an advertisement in the *National Guardian*, Exhibit 1, appears in Exhibit 2.

Now, did you, as executive secretary of the Abraham Lincoln Brigade, cause these items to be published in the *National Guardian* and *The Worker*?

Mr. FISHMAN. I refuse to answer on the same grounds, and again would point out that there isn't one iota of difference between this one and the other one that appeared in the other paper, and it may have appeared in many more, as well.

Mr. NITTLE. Mr. Chairman, I ask that Exhibits 1 and 2 be received in evidence.

Mr. TUCK. They will be received, unless there is objection.

(Documents marked "Fishman Exhibits Nos. 1 and 2," respectively. Fishman Exhibit No. 1 follows; Fishman Exhibit No. 2 retained in committee files.)

FISHMAN EXHIBIT NO. 1

January 24, 1963

NATIONAL GUARDIAN 9

ADVERTISEMENT

THIS IS THE heart-rending question that comes to us from the prisoners languishing in the hateful jails of Franco Spain:

"Help our wives and children . . . here, in prison, our thoughts are with them every day. It is bitter cold in Spain this winter. We had little enough to give them when we were with them. What will happen to them now?"

THIS IS THE MESSAGE sent to us from inside the prison walls—from an Asturian miner, a factory worker from Barcelona, a railroad worker from Valencia and all the others now imprisoned because they dared to take part in the great strikes of 1962.

Juan Abad has a wife and five children . . . the oldest: 7. Sebastian Garcia has been torn away from his two girls, one a poliomyelitis victim. And so it goes down the list. Thirty-five families in all. Some as large as nine, some smaller . . . but all with the same problem—how to stay alive, keep warm, get something to eat. And how to cope with the everyday problems that all families have.

**VETERANS OF THE
* ABRAHAM LINCOLN BRIGADE**

Room 405, 49 E. 21st St., New York 10, N.Y.

I want to help. Please send me all the details at once.

I want to make a contribution. Here it is *\$.....

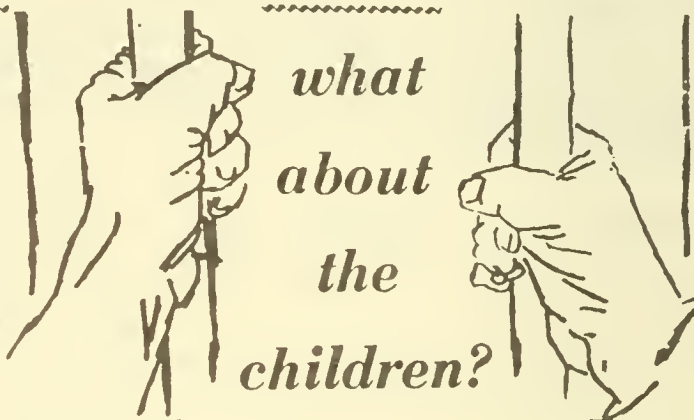
NAME

ADDRESS

CITY

Zone State

* (Please make checks to: M. Fishman, Secretary)



HOW THIS WAS DONE when Papa was home was itself a heart-breaking, back-breaking job in Franco Spain. And now Papa is away because he risked everything to make a little more for his family . . . a little better life. Now, how will they live?

It is typical of these men to think first of their families. And it is natural that they should turn to us for help, because we've been helping Franco's prisoners and their families for years. We are making each of these families the concern of all of us. Won't you help by making one of them your particular concern? It takes so little—to do so much.

A small effort on your part will go a long way in Spain, and an even longer way in the hearts of these Spaniards who gave everything for freedom. Clip the coupon, (left) and find out how you can help. We will put you in direct contact with a Spanish family and tell you how you can help them. Don't delay . . . we remember how CRUEL the Spanish winter can be.

Mr. TUCK. I would like to get in the record at this point that the witness relied on the first amendment and also on the fifth amendment. We frequently hear witnesses who appear before this committee, as we now hear this witness, say that inquiries conducted by this committee pursuant to congressional mandate are violative of the first amendment rights.

Although the witness has offered the first amendment claim along with the fifth amendment privilege, it must be understood that while, in a proper case, we accept the fifth amendment privilege, we do not regard the invocation of the first amendment by the witness as a valid ground for failure to testify.

The Supreme Court, with the possible exception of Mr. Justice Black, have held with striking unanimity, particularly in the recent Communist Party case, that the Bill of Rights does not protect from inquiry or disclosure the machinations of a conspiracy, operating in concealment, under foreign control, which seeks to destroy the Bill of Rights itself and to displace our free form of government by a Soviet-style dictatorship.

I think this should go into the record, not only as it relates to the testimony of this witness, but of other witnesses who appear before this committee from time to time, relying also on the first amendment.

We recognize that any witness has a right under the Constitution, in a proper case and under the proper circumstances, to rely upon the fifth amendment. But we reject any reliance upon the first amendment in this instance, as to this witness.

Mr. FISHMAN. Mr. Chairman, may I?

Mr. TUCK. You may.

Mr. FISHMAN. I just wanted to go on record, too, as stating that there are many citizens who do feel that this comes under the purview of the first amendment and, while you correctly stated that the Supreme Court has to date so ruled, are of the firm belief that, in time, the Supreme Court will recognize that this right does fall under the first amendment and are endeavoring to convince their fellow citizens that it so does.

Mr. TUCK. We have already ruled and we are proceeding under the present decisions.

Go head, Counsel.

Mr. NITTLE. Did you, Mr. Fishman, issue any checks in payment of these items contained and published in the *National Guardian* and *The Worker*?

Mr. FISHMAN. I refuse to answer on the ground previously stated.

Mr. NITTLE. Were either of those items, or both, published without charge to your organization?

Mr. FISHMAN. I again refuse to answer on the grounds previously stated.

Mr. NITTLE. Did you write the copy for these advertisements?

Mr. FISHMAN. Mr. Nittle, I don't know why you are continuing on this line, when obviously I am not going to answer anything in relation to it. I refuse to answer on the grounds previously stated.

Mr. NITTLE. Would you tell us who wrote the copy for the advertisement?

Mr. FISHMAN. Obviously you are again dealing in an area in which I refuse to answer on the grounds previously stated.

Mr. NITTLE. Did you work with a person, any person, in preparing them?

Mr. FISHMAN. Is there any purpose in continuing these questions, when obviously I refuse to answer on the grounds previously stated?

Mr. NITTLE. Do you deny that you had anything to do with the preparation of those advertisements?

Mr. FISHMAN. I refuse to answer on the grounds previously noted.

Mr. NITTLE. The items contained in the *National Guardian* and *The Worker* are identical appeals by the Veterans of the Abraham Lincoln Brigade on behalf of the "wives and children" of men in Spain, stated to be "now imprisoned because they dared to take part in the great strikes of 1962."

The advertisement claims: "And now Papa is away because he risked everything to make a little more for his family" and asks the question: "Now, how will they live?"

The advertisement appeals to the reader to make one of these families his concern. It asks that a coupon in the advertisement be clipped by the reader and mailed to the Veterans of the Abraham Lincoln Brigade.

The coupon bears the message: "I want to help. Please send me all the details at once."

Mr. Fishman, the persons on whose behalf the appeal is made are stated to be in prison simply because they took part in the 1962 strikes and "gave everything for freedom."

Is this statement true?

(Witness confers with counsel.)

Mr. FISHMAN. It is a matter of public record that these strikes did take place in Spain: that thousands of workers were persecuted, hundreds put in jail, and their families impoverished.

If that is the question you want answered, it is a part of the public record. It is true.

Mr. NITTLE. Could you be more specific as to why these persons are in jail?

Mr. FISHMAN. Well, obviously, because they were arrested and placed in jail by the dictatorship in Spain, the government of Francisco Franco.

Mr. NITTLE. We will go into that in a little more detail at a later point.

At this point I would like to inquire: What did you do when you received replies in the mail to the advertisements you caused to be published?

(Witness confers with counsel.)

Mr. FISHMAN. I consider that to be a loaded question since you haven't proved that I had anything to do with that advertisement, and so I don't feel you have a right to even ask it.

Mr. NITTLE. You do not deny that you caused those advertisements to be published?

Mr. FISHMAN. I refuse to answer on the grounds previously given.

Mr. NITTLE. Is it not a fact that you sent a mimeographed form letter on the letterhead of the Veterans of the Abraham Lincoln Brigade, bearing your signature as secretary, advising the sender to forward "good used clothing for men, women and children" to a certain person in Spain, whose name and address was typed at the bottom of your form letter?

Mr. FISHMAN. I refuse to answer on the grounds previously given and would also like to point out that this is certainly a subject which should not be inquired into in terms of the fact that there is no question about the need of people throughout the world for all kinds of help.

And when a committee of this kind begins questioning a humanitarian purpose such as this, then I think it is high time that the committee itself reexamine what it is doing.

Certainly it has not come into any kind of question as to need, nor is this committee, so far as I can tell, prepared to substantiate, to make an accusation or even substantiate one.

Mr. TUCK. I understand that you declined to answer that question, you said on the previous grounds. I would like for you to state which previous grounds.

(Counsel confers with witness.)

Mr. FISHMAN. All of them, Mr. Chairman.

Mr. TUCK. Which particular one? You raised the point just now—

Mr. FISHMAN. Because I don't think this committee of Congress has a right to investigate the subject and that, even if it had, my conscience would not permit me to answer the questions indicated under the first amendment.

I understand that you do not recognize that.

Certainly, again, the question is not pertinent, in my opinion, to the inquiry; and I invoke my privilege under the fifth amendment not to be a witness against myself.

Mr. NITTLE. Did you not also enclose shipping instructions and export declarations, including prepared parcel post forms, for such purposes?

Mr. FISHMAN. I decline to answer on the grounds previously stated, and again indicate: What a horrible crime to enclose these receipts and to give the descriptions and to actually have people send some used clothing! What a terrible crime is being committed!

Mr. NITTLE. I hand you a photostatic copy of one such form letter dated March 13, 1963, marked for identification as "Fishman Exhibit No. 3," upon the letterhead of the Veterans of the Abraham Lincoln Brigade, signed "Moe Fishman, Sec'y," addressed to one of the readers of your advertisements, whose name has been deleted, to which is attached the shipping instructions or postal forms to which we have previously referred.

Is that not a true copy of one such form letter to which your signature is appended?

Mr. FISHMAN. I refuse to answer on the grounds previously stated, but I would like to read this into the record, if I may—this horrible subversive document. It is not long. It is just a letter.

Mr. TUCK. The rules of this committee do not permit witnesses to read anything they desire into the record. You will file it, and we will consider it and make it a part of the record if we think it pertinent.

Mr. FISHMAN. But this is the committee's exhibit, Governor.

Mr. NITTLE. Mr. Chairman, I offer Exhibit 3 in evidence.

Mr. TUCK. It will be made a part of the record.

(Document marked "Fishman Exhibit No. 3" follows.)

FISHMAN EXHIBIT NO. 3



VETERANS OF THE ABRAHAM LINCOLN BRIGADE

ROOM 405, 49 EAST 21st STREET ● NEW YORK 10, N.Y. ● OR 4-5552

March 13, 1963

[Name and address of
addressee deleted.]

We are most pleased to find such a warm response to the plea for aid to the families of the political prisoners in Franco's jails and particularly welcome your offer to be of direct aid to one of the families.

The best aid is good used clothing for men, women and children. Sending a parcel of 22 lbs. costs \$10.00. This is far more valuable to the recipients than say the \$10.00 sent as a bank draft. What they need of the clothes they use, the balance they sell and get far more than we can afford to send each individual family. Another reason for good used clothing over other things is that there is no duty to pay.

We urge that you collect a parcel of good used clothing and ship it off immediately. The carton in which you pack the clothes must have a length, width and girth of NO MORE THAN 72 inches. Wrap brown kraft paper around carton, seal with gummed tape and tie securely with strong cord. Place your name and that of the recipient on two sides of the carton. Under your name write the following legend: EXPORT LICENSE NOT REQUIRED
CLEANING CERTIFICATE INSIDE (we do this sending only clean clothes but not necessarily placing such certificate in parcel)

Next you will have to get 4 forms and a yellow sticker from your post office as per the samples enclosed - which are filled out and self-explanatory.

The parcel should be insured for at least \$15.00 or \$20.00.

After shipping, send an airmail letter to the recipient notifying her that the parcel is on the way and itemizing the contents to her as put on the form, and giving your return address. Here, please say a few words of greetings to your new friend. It is preferable that you write in Spanish - if you cannot do so yourself you may find a neighbor who will do it for you.

We would very much appreciate hearing from you when you have sent off your first parcel. We do hope you will find it possible to send such parcels at least once every two months.

All of us join in expressing our appreciation for this most generous 'peoples to peoples' contract you have undertaken.

Most sincerely,

M. Fishman
M. Fishman, Sec'y

Your family is: Teresa Carbajar de Andres
Ronde de Segovia 42
Madrid Spain

FISHMAN EXHIBIT No. 3—Continued

*Gift Export license not required
cleaning certified inside*

Sender must indicate disposal to be made of parcel if undeliverable. Check the alternative desired and sign the form at the bottom. 16-6339-2

INTERNATIONAL PARCEL POST

Colle Postal International

INSTRUCTIONS GIVEN BY SENDER

Dispositions de l'Expéditeur

If undeliverable as addressed:

Au cas de non-livraison:

Return to sender. Return charges guaranteed.

Le colis doit être renvoyé à l'expéditeur, qui s'engage à payer les frais de retour.

Forward to. (Le colis doit être réexpédié à):

*Notified to the
Sender*

Abandon. (Abandon du colis.)

(Sender's signature—Signature de l'expéditeur)

(To be filled out by accepting clerk)

WEIGHT

----- lbs.

----- OZS.
POSTAGE

\$.-----
CLERK'S INITIALS

POD Form 2922
Mar. 1953

INSTRUCTIONS GIVEN BY SENDER

Dispositions de l'expéditeur

Senders must provide for an alternative disposition. Check the alternative desired and sign the form at the bottom.

IF UNDELIVERABLE:

Au cas de non-livraison, le colis doit être:

Return to sender. Return charges guaranteed.
Renvoyé à l'expéditeur, qui s'engage à payer les frais de retour.

Forward to.
Réexpédié à M.

Abandon.
Abandonné.

(Signature of sender—Signature de l'expéditeur)

(Address of sender—Adresse de l'expéditeur)

To—

Teresa Carbajal

(Name of addressee—Nom du destinataire)

Roude de Sigovia n° 42

(Street and number—Rue et numéro)

Madrid

(City, Province, State, etc.—Ville, Province, Département, etc.)

Spain

(Country—Pays)

**RECEIPT OF THE ADDRESSEE
QUITTANCE DU DESTINATAIRE**

The undersigned declares he has received
Le soussigné déclare avoir reçu

the parcel designated on this bulletin
le colis décrit sur le présent bulletin

(Signature of Addressee—Signature du destinataire)

UNITED STATES OF AMERICA — PARCEL POST

**DISPATCH NOTE
(Bulletin d'Expédition)**

Number of Customs Declarations..... Weight..... Postage Paid \$.....
(Nombre de déclarations en douane) (Poids) (lbs.) (oz.) (Afranchissement perçu)

CUSTOMS DUTIES
(Droits de Douane)

Insured No.

(Numéro d'assurance)

CUSTOMS STAMP
(Timbre de la Douane)

Insured Value (*Valeur déclarée*):

STAMP OF MAILING OFFICE
(Timbre du Bureau d'Origine)

POD Form 2972
Apr. 1953

FISHMAN EXHIBIT No. 3—Continued

INSTRUCTIONS GIVEN BY SENDER

Dispositions de l'expéditeur
 Sender must provide for an alternative disposition. Check the alternative desired and sign the form at the bottom.

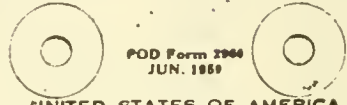
IF UNDELIVERABLE AS ADDRESSED:

- Return to sender. Return charges paid by sender. *Renvoyé à l'expéditeur, qui s'engage à payer les frais de retour.*
- Forward to *Kiepédia St. Katified to the sender*
- Abandon. *Abandonné.*

.....
 (Signature of sender — *Signature de l'expéditeur*)

 (Address of sender — *Adresse de l'expéditeur*)

To: *Teresa Carbajal*
 (Name of addressee — *Nom du destinataire*)
Ronda de Sevilla 47
 (Street and number *Rua et numéro*)
Madrid
 (City, Province, State, etc. — *Ville, Province, Département, etc.*)
Spain
 (Country — *Pays*)



POD Form 2044
 JUN. 1959

UNITED STATES OF AMERICA
 PARCEL POST

CUSTOMS DECLARATION

QUANTITY	USE INK OR TYPEWRITER ITEMIZED LIST OF CONTENTS	VALUE	
		\$	Cents

Insured No. _____ Insured for \$ (U. S.) _____

Gross Weight (Parcel) _____ (Date Stamp of Mailing Office) _____
 _____ lb. _____ oz.

Mr. FORER. May the witness read it, Governor?

Mr. TUCK. No. He may file it with the committee.

Mr. FORER. It is the committee's exhibit.

Mr. TUCK. It is already in the record.

Mr. FORER. But you have people here listening to the hearing. They would like to know what it is about.

Mr. TUCK. Well, it is already in the record. We are not going to read it in.

Mr. NITTLE. Now, Mr. Fishman, you gave certain shipping instructions in your letter. I quote from paragraph 3:

Place your name and that of the recipient on two sides of the carton. Under your name write the following legend: EXPORT LICENSE NOT REQUIRED—CLEANING CERTIFICATE INSIDE.

And then you parenthetically state:

we do this sending only clean clothes but not necessarily placing such certificate in parcel.

Now, would you clarify this parenthetical statement for the committee?

Mr. FISHMAN. I refuse to answer on the grounds stated. And certainly this committee doesn't need to go inquiring about this. All they have to do is inquire from your post office and get all the instructions you need as to how you send parcels to any place in the world.

Mr. NITTLE. No, we are inquiring with respect to a specific instruction you have given in that letter, in which you advise the reader to write on the package, "Export license not required; cleaning certificate inside," and then by a parenthetical statement you appear to suggest to the person to whom you are writing that he need not bother to enclose a cleaning certificate, though he states that one is enclosed.

Are you not, in effect, suggesting to the sender that he or she may, by such act of misrepresentation, evade the postal regulations of the foreign country?

(Counsel confers with witness.)

Mr. FISHMAN. Your question makes the assumption that I am the fellow that wrote this letter; and since that is an assumption, I am refusing to answer on the grounds previously stated.

Mr. NITTLE. You can clarify that point very simply, Mr. Fishman, by advising the committee whether you are not, in fact, the person who sent that form letter.

Are you the Moe Fishman whose name appears upon that form letter?

Mr. FISHMAN. I refuse to answer upon the grounds previously stated.

Mr. NITTLE. Are you aware that the Spanish Government, as do most governments, demands such a certificate as a public health measure, because certain communicable diseases can be introduced into a country by used clothing which is not properly cleaned?

Mr. FISHMAN. Well, your implication is that there are people around who send things illegally, irregularly. I would submit that this is not the case and that an interpretation that you are placing upon something here is not necessarily so and that many people send packages in all kinds of ways.

And, of course, this is very dangerous to our Government, this whole very subversive question, and one that demands investigation by an

important body composed of Congressmen who are confronted with many important issues that face our country today.

And that they can piddle about and bother with such subjects and really waste their time is very surprising to me.

Mr. TUCK. Ask him another question, Counsel.

Mr. NITTLE. Now, Mr. Fishman, you will note, in the lower left corner of the mimeographed letter, Exhibit 3 that you have before you, the name of the family which is to be the recipient of aid is inserted and stated as follows: "Your family is: Teresa Carbajar de Andres, Ronde de Segovia 42, Madrid Spain."

Did you not forward that name of a person in Spain in response to an inquiry received from a reader of your advertisements?

Mr. FISHMAN. I refuse to answer on the grounds previously stated.

This horrible thing was done—terrible—

Mr. NITTLE. Would you tell us whether "Teresa Carbajar de Andres" is, to your knowledge, the wife or child of a worker in prison, as stated in the advertisement, because he "dared to take part in the great strikes of 1962"?

(Witness confers with counsel.)

Mr. FISHMAN. Well, I have not been in Spain lately, and to the best of my knowledge there are people in Spain who are the families of those who are arrested. And I would have no reason to believe that this is not such a person.

Mr. NITTLE. But now the specific inquiry relates to whether, to your knowledge, she is the wife or child of a worker imprisoned in Spain because he dared take part in the "great strikes of 1962." Would you give us a specific answer to that inquiry?

Mr. FISHMAN. I did.

Mr. NITTLE. What knowledge do you possess of the family of "Teresa Carbajar de Andres," whose name was sent in response to an inquiry from a reader?

Mr. FISHMAN. I refuse to answer on the grounds previously stated.

Mr. NITTLE. From whom did you receive any information pertaining to her?

Mr. FISHMAN. I refuse to answer on the grounds previously stated.

Mr. NITTLE. When did you acquire this information?

Mr. FISHMAN. That is a loaded question again.

Mr. NITTLE. It is only "loaded" because you want it to be.

Mr. FISHMAN. Well, also because this inquiry is loaded, from the point of view that here it is investigating something which I don't think is in its purview at all, that certainly the counsel for the committee would know is something that, if other agencies in the United States would undertake to do it, would gradually be something that some people would not be doing a thing about, because what can this do, at most? Alleviate a little, teeny bit of suffering in a country which suffers so strongly, so greatly, from a dictatorship which has existed for 25 years, which makes the people—

Mr. TUCK. The witness is ordered to answer the question, and not make a speech.

Mr. NITTLE. It appears that you have caused to be published advertisements in the press, by which you solicit of American citizens and members of the public certain contributions—money and supplies—for people who, you state, are wives and children of per-

sons imprisoned in Spain because they dared to participate in the "great strikes of 1962."

You have sought these contributions upon the basis of a specific representation to the public—and in response to this advertisement for assistance, you have given the name of "Teresa Carbajar de Andres" to one of the readers of your advertisement.

The committee wants to know what knowledge you possess of "Teresa Carbajar de Andres" in relation to the solicitation you have made. Is she the wife or child of a worker imprisoned in Spain because he "dared to take part in the great strikes of 1962," as you have stated?

(Witness confers with counsel.)

Mr. FISHMAN. I already answered that.

Mr. NITTLE. What is your answer?

Mr. FISHMAN. That, to the best of public record, knowledge, and belief, there were thousands who were imprisoned in Spain. They are still in jail.

No, that is not quite true. There are a number that have been released.

Mr. NITTLE. You are not responsive to the question.

Mr. FISHMAN. Yes, I am. I am saying there were many that were arrested.

Mr. NITTLE. Was "Teresa Carbajar de Andres" the wife or child of a worker imprisoned in Spain because he "dared to take part in the great strikes of 1962"?

You can answer that "Yes" or "No," if you desire to respond to the question.

Mr. FISHMAN. As far as I know.

Mr. NITTLE. From what source do you derive this knowledge?

Mr. FISHMAN. I refuse to answer on the grounds previously stated.

Mr. NITTLE. I ask, Mr. Chairman, that the witness be directed to respond to the inquiry.

Mr. FORER. He did.

Mr. TUCK. The witness is directed to respond to the inquiry of the counsel.

Mr. FORER. Which inquiry, Governor?

Mr. NITTLE. From whom did he receive information relating to "Teresa Carbajar de Andres"?

Mr. FORER. He did not say he received any information from anybody relating to "Teresa Carbajar de"—

Mr. NITTLE. He testified that to his knowledge——

Mr. FORER. No, he didn't. He said as far as he knew.

Mr. NITTLE. All right.

What is the basis of your knowledge?

(Counsel confers with the witness.)

Mr. FISHMAN. Is that the question you wanted answered, Mr. Chairman?

I refuse to answer on the grounds previously stated.

Mr. NITTLE. Now, with respect to that, Mr. Chairman, I respectfully request that the witness be directed to answer the question.

Mr. TUCK. The witness is ordered and directed to answer the question.

(Counsel confers with witness.)

Mr. FISHMAN. I abide by my refusal for the reasons previously stated.

Mr. TUCK. Which one of the reasons?

Mr. FISHMAN. For all of them.

Mr. NITTLE. I suggest that the witness has waived his fifth amendment privilege by asserting that, to the best of his knowledge, certain facts appear to him with respect to "Teresa Carbajar de Andres."

Now, as we seek to probe the basis of his knowledge, he refuses to answer.

Mr. FORER. I suggest you are mistaken, Mr. Nittle.

Mr. NITTLE. And for that reason, I ask the chairman to direct the witness to respond to the inquiry.

Mr. TUCK. I direct the witness to respond to the question. And the reason for the direction was that he had already gone into the subject and thus had, in effect, waived his claims under the fifth amendment.

And the question is a perfectly proper question, and the witness should give his basis for the information which he has given.

Will you now respond to that question?

Mr. FISHMAN. What is the question?

Mr. TUCK. State the question, Counsel.

Mr. NITTLE. Would the reporter please read it back to him?

(The pending question was read by the reporter, as follows: "From what source do you derive this knowledge?")

Mr. FISHMAN. I have not said that I had such knowledge, and I refuse to answer for the reasons previously stated.

Mr. TUCK. My recollection is that the witness stated that, to the best of his knowledge and belief, certain knowledge was true. The counsel asked him what was the basis for that. The Chair now directs him to answer.

I take this opportunity of warning the witness of the dangers on which he may be treading, and I order and direct you to answer the question.

Mr. FISHMAN. I abide by my refusal to answer.

Mr. TUCK. All right. Proceed, Counsel.

Mr. NITTLE. What investigation did you make, if any, relating to the circumstances and facts concerning "Teresa Carbajar de Andres"?

Mr. FISHMAN. I didn't say I made any such investigation.

I refuse to answer on the grounds previously stated.

Mr. NITTLE. Did you make any investigation?

Mr. FISHMAN. I refuse to answer on the grounds previously stated.

Mr. NITTLE. The committee's information discloses that "Teresa Carbajar de Andres" resides, as you have stated in your letter, Exhibit 3, at "No. 42 Ronde de Segovia in Madrid, Spain."

I should also note that the correct spelling of her second name is "Carvajal." She is the wife of Angel Larroca Garcia.

Now, was Angel Larroca Garcia, her husband, imprisoned in Spain merely because he "dared to take part" in the 1962 strikes?

Mr. FISHMAN. I refuse to answer on the grounds previously stated, but I would be interested, since the counsel knows the spelling so well, would he know if the person got the package, as well?

Mr. NITTLE. Would you tell us precisely when Angel Larroca Garcia was imprisoned in Spain?

Mr. FISHMAN. I refuse to answer on the grounds previously stated.

Mr. NITTLE. On what charge was he imprisoned?

Mr. FISHMAN. I refuse to answer on the grounds previously stated.

Mr. NITTLE. Do you know that he is not even living in Spain today, and was not living in Spain as of March 13, 1963, when you sent the form letter to one of the readers of your advertisement?

Mr. FISHMAN. No, I don't know.

Mr. NITTLE. The committee's investigation reveals that Angel Larroca Garcia, at the beginning of the Spanish Civil War in 1936, volunteered in the Loyalist Army, joining the 116th Brigade, in which he was appointed a lieutenant, and a short time later he joined the Communist Party in Spain.

Mr. FISHMAN. Terrible.

Mr. NITTLE. At the end of the civil war, he was condemned to death because of his participation in the assassination of clergy in the Convent of Grinon at Toledo when returning from the siege of the Alcazar.

However, his sentence was commuted to 30 years' imprisonment and later to 20 years. He was released from prison in 1946 and is presently working legally in Germany, contrary to your claim.

Were you aware of these facts at the time that you caused this exhibit to be forwarded to one of the readers of your advertisement?

Mr. FISHMAN. No. I don't even know that they are facts. It sounds like you got this from Franco's government. I wouldn't be a bit surprised.

Mr. NITTLE. Are you in possession of any information to the contrary?

Mr. FISHMAN. No.

Mr. NITTLE. Did you not assert in the advertisement that you were seeking contributions on behalf of persons, wives and children of persons imprisoned in Spain because of participation in the "great strikes of 1962"?

Mr. FORER. The advertisement speaks for itself, doesn't it, Counsel?

Mr. NITTLE. Yes, of course it does.

Mr. FORER. Then what are you asking him for?

Mr. TUCK. Counsel for the witness well knows the rules of this committee, as many times as he has appeared before the committee, and I respectfully request that he abide by the rules.

Mr. FORER. Governor, you are absolutely right, but it is hard. After all, I do want to protect the witness and I do think it was an improper question.

Mr. NITTLE. Teresa's brother is Andres Carvajal de Andres, who resides in Madrid. He, too, joined the Communist Party in the course of the Spanish Civil War. He was apprehended in 1939, at the close of the civil war, on the basis of certain allegations made against him. His case was dropped, however, because of lack of evidence with respect to those particular allegations.

Now, the committee has no knowledge of any facts which would indicate the imprisonment of the husband or any member of the immediate family of Teresa Carvajal de Andres, either by virtue of participation in the strikes of 1962, or for any other cause.

Would you tell us, please, what knowledge, if any, you may possess to the contrary?

(Witness confers with counsel.)

Mr. FISHMAN. I don't know anything. No.

Mr. NITTLE. I now hand you a photostatic copy of another form letter of the Veterans of the Abraham Lincoln Brigade, dated March 13, 1963, posted under your signature, to a reader of the advertisement, marked for identification as "Fishman Exhibit No. 4."

Mr. Chairman, I offer Fishman Exhibit 4 in evidence.

Mr. TUCK. It is ordered that the same be made a part of the record. (Document marked "Fishman Exhibit No. 4" and retained in committee files.)

Mr. NITTLE. To this reader you designate the family of Matilde Morales, Nuestra Senora del Rosario 36—my Spanish is not particularly good, as you may have observed.

Now, Mr. Fishman, would you tell us whether the husband or any member of the family of Matilde Morales is imprisoned in Spain, or was imprisoned as of the time of your advertisement?

Mr. FISHMAN. I do not know.

May I submit: It might be a cousin or a fifth uncle or someone else that could be imprisoned, as well. All I know—

Mr. NITTLE. Well, now, you wrote to a reader of your advertisement and said, "Your family is Matilde Morales."

I want to know what you know about Matilde Morales, what you knew at the time you wrote to the reader of your advertisement.

Mr. FISHMAN. I haven't acknowledged that I wrote that advertisement, and I refuse to answer on the grounds previously stated.

Mr. NITTLE. On behalf of what person now imprisoned in Spain by reason of participation in the 1962 strikes was clothing to be shipped to Matilde Morales?

Mr. FISHMAN. I refuse to answer on the grounds previously noted.

Mr. NITTLE. It is the committee's information that Matilde Morales, whose last name is Arcos, is the wife of Jose Cansinos Palma, who was born May 22, 1936, in Cordoba.

Were you appealing for assistance for the family of Jose Cansinos Palma, the husband of Matilde Morales?

Mr. FISHMAN. I refuse to answer. The exhibit that you show speaks for itself. You are obviously trying to intimate that you know who the family is that is being appealed for, and yet, from your own descriptions and your information, which has been thoroughly investigated, it seems that it could be another part of the family as well.

Mr. NITTLE. It is the committee's information that Matilde's husband, Jose, was, in fact, detained in May 1962 during the course of the strikes. He was detained for being an active member of the Communist Party in Spain in charge of Communist cells and working in the spring strikes of 1962.¹

However, Jose was released from prison on January 9, 1963, before your ad was published.

Were you aware on March 13, 1963, at the time you directed your letter on behalf of the family of Matilde Morales, that her husband had been released 2 months prior thereto?

¹ The Spanish Criminal Code provides that strikes by laborers (and combinations or conspiracies by management intended to paralyze work) are punishable as sedition. In addition, the Communist Party is outlawed in Spain; membership in it is punishable by prison terms of from 2 to 20 years, and sentences of 20 to 30 years can be given for aggravating circumstances such as an individual's participation in Communist "agitation" cells, in Communist conferences, or in the leadership of the party.

(Witness confers with counsel.)

Mr. FISHMAN. The question assumes that I sent the letter, and I refuse to answer. Parenthetically, I don't know. I think to me it seems kind of —

Mr. NITTLE. We are not interested in parenthetical expressions on your part. We are interested in answers to questions.

Mr. FISHMAN. I understand. But I can assume that the committee doesn't care whether a man has been in prison and comes out and maybe the family does need some help. And it is a horrible crime if the man has been in prison and is a Communist or isn't a Communist. And Franco certainly accuses all of them. There are no exceptions in his statements. And again I don't know the committee's source. I assume that it is a valid source. But the fact still remains that this is a very horrible thing that has been done.

A family in Spain has gotten some used, old clothing from the United States, and this horrible crime must be in some way stopped. This is unmasking to the American public a very dangerous situation that goes on.

What if the person at the other end is of some other political persuasion, or no political persuasion, and is simply a family of a political prisoner?

Mr. TUCK. Proceed with the questioning.

Mr. NITTLE. Were you at the time you forwarded your letter of March 13, 1963, aware of Jose's Communist affiliations?

(Witness confers with counsel.)

Mr. FISHMAN. The question again assumes that I wrote the letter. But I want the committee to know that I don't know anything about the political affiliations of that individual.

Mr. NITTLE. From what source did you receive the name of Matilde Morales?

Mr. FISHMAN. I refuse to answer on the grounds previously stated.

Mr. NITTLE. Did you obtain that name from any representative of the Central Committee of the Communist Party in Spain?

Mr. FISHMAN. The question assumes that I received the names. And I refuse to answer on the grounds previously noted.

Mr. NITTLE. Mr. Chairman, the witness testified that he had no knowledge of this person's political affiliation, and I asked him whether he received information relating to her from a member of the Central Committee, or a representative of the Central Committee, of the Communist Party in Spain, and he now refuses to answer.

I suggest that he has waived his privilege in that respect and I ask therefore that he be directed to respond to the question.

Mr. TUCK. The Chair so rules and is of the same opinion as counsel.

The Chair now orders and directs the witness to answer the question.

Mr. FISHMAN. I abide by my refusal for the reasons previously stated.

Mr. TUCK. Proceed, Counsel.

Mr. NITTLE. What effort, if any, have you made to inquire, from time to time, as to the status of persons on whose behalf you make requests for contributions?

Mr. FISHMAN. I refuse to answer on the grounds previously stated.

Mr. NITTLE. I now hand you another such form letter on the letter-head of the Veterans of the Abraham Lincoln Brigade, dated March

6, 1963, bearing your signature as Moe Fishman, secretary, received by another reader of the advertisement, marked for identification as "Fishman Exhibit No. 5."

In this exhibit, the family you designate was that of Encarnacion Nunez Velanos, residing at "Calderon de la Barco 117, Tarrasa Barcelona, Spain."

Would you tell the committee what knowledge you possess relating to this individual?

Mr. FISHMAN. I refuse on answer on the grounds previously stated.

Mr. NITTLE. Mr. Chairman, may I offer Exhibit 5 in evidence?

(Document marked "Fishman Exhibit No. 5" and retained in committee files.)

Mr. FORER. I don't think you offered 3 and 4 yet, by the way.

Mr. NITTLE. If I have not done so, I now offer Exhibits 3 and 4 for the record.

Mr. FORER. Can I get a look at 3 and 4 again?

Mr. NITTLE. The committee's investigation with respect to Encarnacion Nunez Velanos reveals that no person bearing the name of Encarnacion Nunez Velanos resides in the vicinity of Tarrasa Barcelona, and indeed there is no record of the existence of such person in the Central Office of Spain.²

What knowledge do you have relating to such person?

Mr. FISHMAN. I refuse to answer on the grounds previously stated.

Did the party get the package back?

Mr. NITTLE. Mr. Fishman, would you advise the committee by what means and from whom you received knowledge that a person of such name resided at the address given by you?

Mr. FISHMAN. I refuse to answer on the grounds previously stated.

Mr. NITTLE. I now hand you another form letter of the Veterans of the Abraham Lincoln Brigade.

The form letter which I have just handed you is dated March 13, 1963, marked for identification as "Fishman Exhibit No. 6," signed by you, addressed to a reader of the advertisement, and advising that the family "to which the reader may send aid is that of Sofia Castra³ Martinez, Valadas de los Frailes, Villarrubia, Cordova, Spain."

Mr. NITTLE. Mr. Chairman, I offer Exhibit 6 in evidence.

Mr. TUCK. It is ordered to be made a part of the record.

(Document marked "Fishman Exhibit No. 6" and retained in committee files.)

Mr. NITTLE. Would you tell the committee what information you possess relating to the husband or family of Sofia Castra Martinez?

Mr. FISHMAN. I refuse to answer on the grounds previously stated.

Mr. NITTLE. Is she the wife of a worker now imprisoned in Spain, or imprisoned in Spain at the time of the publication of your advertisements, because he "dared to take part in the great strikes of 1962"?

Mr. FISHMAN. I refuse to answer on the grounds previously stated.

² Subsequent to this hearing, as a result of continuing investigations into the backgrounds of persons in Spain recommended for "relief" by the Veterans of the Abraham Lincoln Brigade, this committee learned that its original information regarding Encarnacion Nunez Velanos was incorrect. This individual does reside at the Barcelona address listed in the VALB letter of March 6, 1963. She is the wife of Ramon Martinez Martinez, who was convicted and imprisoned by Spanish authorities on July 5, 1960—long before the 1962 strikes—for Communist activities. He is still in jail.

³ Correct spelling "Castro."

Mr. Chairman, if, in the course of its investigation, the committee has caused these names to be solicited and has not in turn sent packages to these people, I think this is a pretty terrible thing.

Mr. TUCK. Proceed, Counsel.

Mr. NITTLE. The committee investigation reveals that Sofia Castro Martinez is the wife of Rafael Lopez Barranco, who was active in the local committee of the Communist Party in Spain and was imprisoned in Spain in July 1960—over 3 years ago. He was released from the prison of Burgos, however, on March 3, 1963.

He was therefore not imprisoned because of his participation in the May 1962 strikes, nor was he imprisoned for any cause on March 13, 1963, at the time you forwarded that exhibit.

Do you possess any information to the contrary?

Mr. FISHMAN. I refuse to answer on the grounds previously stated.

Does the counsel have any specific information that these clothes go to anyone but political prisoners' families? Isn't it conceivable that these families give it to other families?

Mr. TUCK. The witness is not here to ask questions, but to answer questions. Answer the questions propounded by counsel.

Mr. NITTLE. The committee has no information that any member of the immediate family of Sofia Castro Martinez is detained in prison because of participation in the May 1962 strikes. Do you have any such information?

Mr. FISHMAN. I refuse to answer on the grounds previously stated.

Mr. NITTLE. At the time you forwarded Exhibit 6, as of March 13, 1963, or even prior thereto, did you possess any information advising you that the husband of Sofia Castro Martinez, or any member of her family, was then imprisoned in Spain because he "dared to take part in the great strikes of 1962"?

Mr. FISHMAN. I refuse to answer on the grounds previously stated.

Mr. NITTLE. Did you then possess any knowledge or information that any member of her family was imprisoned for any cause?

Mr. FISHMAN. I refuse to answer on the grounds previously stated.

Mr. NITTLE. I now hand you another such form letter of the Veterans of the Abraham Lincoln Brigade, dated February 17, 1963, marked for identification as "Fishman Exhibit No. 7," signed by you, and posted to a reader of the advertisement, advising that the family to which the reader may send aid is that of Ana Hernandez Hernandez, care of "Maria Ausiliadora 16 Huiguerou Cordova, Spain."⁴

Did you designate the family of Ana Hernandez Hernandez as a recipient for aid pursuant to the advertisements contained in Exhibits 1 and 2?

(Counsel confers with witness.)

Mr. FISHMAN. I refuse to answer on the grounds previously stated.

Mr. NITTLE. I offer Exhibit 7 in evidence, Mr. Chairman.

Mr. TUCK. It will be ordered filed.

(Document marked "Fishman Exhibit No. 7" and retained in committee files.)

Mr. NITTLE. What imprisoned member of the family of Ana Hernandez Hernandez did you have in mind for assistance?

⁴ Correct name and address: "Maria Auxiliadora, 16 Higueron, Cordoba, Spain."

Mr. FISHMAN. I refuse to answer on the grounds previously stated.

Mr. NITTLE. Was it her husband, Jose Barranco Escavia?

Mr. FISHMAN. I refuse to answer on the grounds previously stated.

Mr. NITTLE. Was he in prison as of February 17, 1963, because he took part in the strikes of 1962?

Mr. FISHMAN. I refuse to answer on the grounds previously stated.

Mr. NITTLE. What knowledge do you possess of the family of Ana Hernandez Hernandez?

Mr. FISHMAN. I refuse to answer on the grounds previously stated.

Mr. NITTLE. The committee's investigation reveals that Ana's husband, Jose Barranco Escavia, was imprisoned in April 1961—a year before the 1962 strikes—for a term of 5 years by reason of membership in the committee of the Communist Party in Higuera.

Do you possess any information to the contrary?

Mr. FISHMAN. I refuse to answer on the grounds previously stated.

Mr. NITTLE. As of February 17, 1963, when you posted that letter to the reader, were you aware that Jose Barranco Escavia had been imprisoned for that reason and not because he "dared" take part in the strikes of 1962?

Mr. FISHMAN. I refuse to answer on the grounds previously stated.

Mr. NITTLE. I now hand you another such form letter, dated March 6, 1963, marked for identification as "Fishman Exhibit No. 8," bearing your signature, on the letterhead of the Veterans of the Abraham Lincoln Brigade, posted to a reader of the advertisements, and advising that the reader may send aid to the family of Eulogia del Castillo, "Casas Buenas, Toledo, Spain."

Mr. NITTLE. Mr. Chairman, I offer Fishman Exhibit 8 in evidence.

Mr. TUCK. It is ordered that the document be made a part of the record.

(Document marked "Fishman Exhibit No. 8" and retained in committee files.)

Mr. NITTLE. Mr. Fishman, would you tell the committee what knowledge you possess of Eulogia del Castillo and her family?

Mr. FISHMAN. I refuse to answer on the grounds previously stated.

However, I would like to point out that this letter has underlined, like the other letters, "aid to the families of the political prisoners in Franco's jails." It doesn't say to a particular political prisoner.

Mr. NITTLE. We are concerned about the representation, particularly, that you have made in the advertisements.

Mr. FISHMAN. It doesn't even say to the strikers. It doesn't even refer to the strikers necessarily as being the only ones who are political prisoners.

Mr. NITTLE. I think the exhibits will speak for themselves.

Mr. FISHMAN. Well, the sad part of the exhibits is the fact that here are a whole number of people whom I would assume at this point, because of the activities of the committee—just—unless I had come here, no one would ever know that they hadn't gotten packages, that somebody obviously sent in a name falsely, and in all good faith were given a name to send a package of old clothing, and obviously the thing hasn't been sent. And I think that is a very terrible thing.

Mr. NITTLE. You were giving the name of a particular person to whom they were to send aid and you said it was given in good faith. Was this name given in good faith by a member of the Communist Party?

Mr. FISHMAN. I refuse to answer on the grounds previously stated.

Mr. NITTLE. Is that the "good faith" to which you refer?

Mr. FISHMAN. It is a form of good faith.

Mr. NITTLE. Now, will you please answer the question as to whether or not the husband of Eulogia del Castillo is in jail?

Mr. FISHMAN. I don't know.

Mr. NITTLE. Was he in jail at the time you published your advertisements?

Mr. FISHMAN. I refuse to answer on the grounds previously stated.

Mr. NITTLE. Was he in jail at the time you posted your letter to the reader of the advertisements?

Mr. FISHMAN. I refuse to answer on the grounds previously stated.

Mr. NITTLE. It is the committee's information that Eulogia del Castillo⁵ is a widow. Her husband, with no record of Communist activities, actually died in 1939, over 20 years ago, at 72 years of age.

However, with respect to Eulogia del Castillo, the committee's investigation discloses that during the Spanish Civil War she was a militant Communist who robbed and sacked private homes and desecrated the church at Casasbuenas, for which at the end of the civil war she was imprisoned and then released.

Mr. FISHMAN. By Franco. And who made the charges? And which this committee would believe, of course.

Mr. NITTLE. Were you aware of these facts on March 6, 1963, at the time you forwarded this letter?

Mr. FISHMAN. I don't even know that they are facts.

Mr. TUCK. The witness is ordered and directed to answer the question.

Mr. FORER. He did.

Mr. FISHMAN. I said I don't know if they are really facts.

Mr. NITTLE. What knowledge did you possess with respect to Eulogia del Castillo at the time you wrote to the reader of your advertisements?

Mr. FISHMAN. None whatsoever.

You are assuming that I wrote, and I refuse to answer on the grounds previously stated.

Mr. NITTLE. The committee possesses further information that Eulogia is the mother of five children; namely, 51-year-old Alejandro Heredero del Castillo, born February 26, 1912; 61-year-old Martina Heredero del Castillo, born November 12, 1901; 54-year-old Mariano Heredero del Castillo, born December 8, 1908; 56-year-old Angela Heredero del Castillo, born March 1, 1907; and 59-year-old Genevieve Heredero del Castillo, born January 3, 1904.

Are these the so-called children on whose behalf you published the advertisement contained in Exhibits 1 and 2?

Mr. FISHMAN. The question assumes that I published the thing.

Mr. NITTLE. Well, you might clarify that.

Mr. FISHMAN. You might clarify it. You might find out if any of these people were political prisoners. Or maybe some of the family that you didn't name were political.

Mr. NITTLE. What knowledge did you possess of her at the time you designated her as a recipient of aid?

⁵ Full name "Eulogia del Castillo Villarrubia."

Mr. POOL. Let's have him answer the questions one at a time, Mr. Chairman.

Mr. TUCK. I will order the witness to answer the question and not argue with the counsel.

Mr. FORER. He starts to answer, and a new question comes.

Mr. TUCK. Ask a single question.

Mr. NITTLE. What knowledge did you possess of the family of Eulogia del Castillo?

Mr. FISHMAN. I refuse to answer on the grounds previously stated.

Mr. NITTLE. As of March 6, 1963, or prior thereto or since that date, did you have any information in your possession that any of these so-called children, all over 50 years of age, were imprisoned because they took part in the strikes of 1962?

Mr. FISHMAN. I refuse to answer on the grounds previously stated.

Mr. NITTLE. Mr. Chairman, it is the committee's information that none of the children of Eulogia is or was imprisoned on account of such strikes.

Mr. FISHMAN. Mr. Chairman, is it at all possible that a cousin or friends or somebody else might have been in prison?

Mr. NITTLE. You are talking about the wives and children of people imprisoned because they dared take part in the strikes of 1962. You are not talking about 32d cousins.

Mr. FISHMAN. But the letter says "families of political prisoners."

Mr. TUCK. Counsel will proceed with the questioning.

Mr. BRUCE. Mr. Chairman, may I pursue a question, here?

Mr. TUCK. You may.

Mr. BRUCE. I would ask the witness: Do you have any information regarding the name given here and any relatives, however far removed, who were imprisoned for political or Communist or strike reasons or any other reasons?

(Witness confers with counsel.)

Mr. FISHMAN. I refuse to answer on the grounds previously stated.

Mr. TUCK. Proceed.

Mr. NITTLE. It is the committee's information that Eulogia's son, Alejandro, was, during the Spanish Civil War, an active member of the Communist Party and president of the Armed Militia Committee in Casasbuenas, charged with participating in acts for which he served a sentence, but was released in 1946. After release from prison in 1946, he again resumed Communist Party activities, acting as a liaison agent between the Communist guerrillas and the National Committee of the Communist Party in Spain and joining in the conspiracy resulting in the explosion of the ammunition dumps of Alcala de Henares, which resulted in his imprisonment for a term of 30 years, which he is presently serving. He was permitted to visit his mother, under guard, in Casasbuenas on March 15, 1963.

Were you aware of Alejandro's record of Communist Party activities which I have just related?

Mr. FISHMAN. Well, obviously, there was a political prisoner in this family that we tracked down finally. There was one political prisoner.

Mr. NITTLE. Not a political prisoner—a Communist, who was engaged in a conspiracy to blow up an ammunition dump, endangering the lives of Spanish people and citizens.

Is that a political prisoner?

Mr. FISHMAN. Yes. Yes, because Franco has imprisoned I don't know how many people of all kinds of political beliefs for all kinds of crimes, and they are tried by court martial, no civil courts, no requirement for a defendant to have defense counsel. This is Franco Spain you are talking about.⁶

Mr. TUCK. Proceed with the questioning.

Mr. NITTLE. Mr. Chairman, the committee is informed that Eulogia's daughter, Martina, was president of the Women's Section of the Communist Party in Casabuenas; and that Eulogia's son, Mariano, a member of the Communist Party committee in Casasbuenas during the Spanish Civil War, was sentenced to a term of 30 years' imprisonment, later commuted to 12 years, now expired.

Eulogia's daughter, Angela, is residing in Venezuela, with no record of Communist activities in her case, nor has she ever been imprisoned in Spain.

Likewise, Eulogia's daughter, Genoveva, has no record of Communist activities. She has not been imprisoned for any cause and presently resides in Casabuenas.

Do you possess such information as I have just related with respect to the children of Eulogia?

Mr. FISHMAN. Nothing specifically of the nature that you are indicating. It is common knowledge that it is a difficult thing for anybody in Spain to receive packages from the United States and distribute these packages to the families of political prisoners. It is literally taking your life in your hands.

And I am very much concerned lest the hearings that are being conducted here, and these names which are being made public, may not in turn make it very difficult, to say the least. And in Spain, making it very difficult can be a very serious business for the families who have actually received these packages.

Mr. TUCK. Do you have the knowledge of which he is inquiring?

Mr. FISHMAN. No. I am sorry. I do not.

Mr. TUCK. Proceed, Counsel.

Mr. NITTLE. Now, it is apparent, Mr. Fishman, that you have in your possession a list of names of certain persons residing in Spain, on whose behalf you are seeking supplies and contributions on the alleged basis that they are inadequately fed and clothed there. We have called several names to your attention.⁷

⁶ In May 1963, the total prison population in Spain was approximately 14,500. Of this total, 318 persons were serving sentences on charges involving Communist Party activity. The spring strikes of 1962, at their height, involved about 60,000 workers. Of these, 759 were arrested on charges of subversive activities in connection with the strikes. Forty-eight of these, including several Communist agents, were detained and brought to trial. The other 711 were released.

In Spain, crimes other than sedition are tried in civil courts. The accused has a right to defense counsel, which the court will appoint if he cannot afford one. Until the summer of 1963, crimes involving sedition were tried not by courts-martial, but by special military tribunals. Defendants appearing before such tribunals were entitled to counsel of their own choosing. Special civil tribunals now try such cases.

⁷ On the date of this hearing, the committee had not completed its investigation into the background of Ana Salvador Martin and Maria Paz Roda Zarabozo, two additional individuals in Spain who had been recommended as recipients of relief in letters signed by Moe Fishman.

The committee has since learned that Ana Salvador Martin is a widow residing in Madrid, who has been arrested on several occasions on charges of harboring Communist members sought by Spanish authorities. Her son, Gregorio Valero Salvador, has been in prison in Spain since 1944, when he was arrested for working in underground activities of the Communist Party.

Maria Paz Roda Zarabozo, also living in Madrid, is the wife of Aladino Cuervo Rodriguez, who has been imprisoned in Spain since February 1960 on charges that he

Will you tell us how many names and addresses of persons in Spain on behalf of whom you are making a plea for aid are in your possession?

Mr. FISHMAN. I haven't stated that I have any of these names in my possession, and I refuse on the grounds previously stated to answer, and I would like to know if you are acting as an agent for the Franco government in trying to get these names. You have done an excellent job thus far in making it a part of public record.

Mr. TUCK. I ask you whether or not you have sought contributions for any of these purposes related here this morning.

Mr. FISHMAN. I refuse to answer on the grounds previously stated.

Mr. NITTLE. Did you obtain any of these names from any Communist Party functionary in the United States?

Mr. FISHMAN. I refuse to answer on the grounds previously stated.

Mr. NITTLE. Did you obtain any of these names directly from any representative of the Central Committee of the Communist Party of Spain?

Mr. FISHMAN. I refuse to answer on the grounds previously stated.

Mr. NITTLE. Did you receive these names from anyone in Spain known by you to be affiliated with the Communist Party there?

Mr. FISHMAN. I refuse to answer on the grounds previously stated.

Mr. NITTLE. Now, would you tell the committee whether, to your knowledge, any of those persons whose names appear on your list are not members of the Communist Party?

Mr. FISHMAN. I refuse to answer on the grounds previously noted.

Mr. NITTLE. I call your attention again to your form letter. In the opening paragraph there is this statement:

Mr. FISHMAN. May I see a copy, please?

Mr. NITTLE. "We are most pleased to find such a warm response to the plea for aid to the families of the political prisoners in Franco's jails and particularly welcome your offer to be of direct aid to one of the families."

Would you tell the committee how many persons responded to your pleas for assistance to these alleged Spanish prisoners?

Mr. FISHMAN. Would you read the next paragraph, too, please? Just the next paragraph.

Mr. NITTLE. The letter is in evidence. Would you please answer the question addressed to you, as to how many people responded to your pleas for assistance to these alleged political prisoners?

Mr. FISHMAN. I refuse to answer on the grounds previously stated.

Mr. Chairman, since he is referring to the letter, why don't you let the record be read?

Mr. TUCK. The letter is part of the record.

Proceed, Counsel.

Mr. NITTLE. Neither in your advertisements, Mr. Fishman, nor in your letters have you identified the intended recipients of aid as families of persons imprisoned because of Communist activities, whether during the Spanish Civil War or during the spring strikes of 1962 in Spain.

was a member of the Spanish Communist Party directly responsible for an underground organization operating in northern Spain. Senora Roda—then a child—was sent to live in the Soviet Union in 1937 during the Spanish Civil War. She reportedly married her now imprisoned Spanish Communist husband, Cuervo Rodriguez, while living there. She did not return to Spain until 1956.

Why did you not reveal this fact?

MR. FISHMAN. I refuse to answer on the grounds previously stated.

And the fact still remains that these are political prisoners, who in Spain can be accused of anything at any point in the past, present, and including those who were arrested in the strikes, and there have been strikes in Spain since Franco took power and there have been political opponents of Spain, of all kinds of political persuasions, since 1939, right up to today.

MR. TUCK. Proceed with your questioning.

MR. NITTLE. Mr. Fishman, you will be given an opportunity to speak at a later date. The question I would like to ask you, particularly with respect to what you have just said: Is it not a fact that the spring strikes of 1962 were led and inspired by members of the Communist Party in Spain?

(Witness confers with counsel.)

MR. FISHMAN. In my opinion it is not a fact.

MR. NITTLE. Has not the Spanish Government, which should know, made this charge?

MR. FISHMAN. Now, the Spanish Government has traditionally, since its inception, this Fascist dictatorship, called every bit of opposition, including those democrats of Spain who are today in my opinion America's greatest allies, Communists. It labels anyone and everyone who is in opposition, be he a Mason, be he a Protestant, a Jew, be he anyone, of no politics whatsoever, who opens his mouth against—

No, I am sorry. He permits them to open their mouths. The minute they attempt the least bit of organization is the point at which he cracks down. And the accusation invariably, invariably is "Communist."

MR. NITTLE. Mr. Fishman, do you not know that high ranking Communist Party officials themselves actually support and confirm the Spanish Government's claim that these strikes were led and inspired by Communists?

MR. FISHMAN. I do not know of such a thing. And if it were stated so, I don't believe it to be true.

MR. NITTLE. Mr. Fishman, the *World Marxist Review*, the official mouthpiece of the world Communist movement, published in Prague, Czechoslovakia, and distributed throughout the world in 19 languages, including the English, in its January 1963 English edition, which I have before me, on page 91 features an article titled "Communists on Trial in Spain." It was written by no less an authority than Sebastian Sapirain, a member of the Central Committee of the Communist Party of Spain.

He wrote, in part:

Last spring Spain saw one of the biggest strike movements in the history of the working class of our country. The strikes * * * embraced some 26 provinces * * *. Although at first a struggle for wage demands, the political character of the strikes soon became apparent.

Then, referring to the scale of the strikes, he said:

This is mainly due to the persevering work conducted by the Communist Party.

Then he quotes with approval a statement made by Ramon Ormazabal Tito,⁸ a member of the Central Committee of the Communist Party

⁸ Correct spelling "Tife."

of Spain, when he was arrested on June 14, 1962, in Biscay, together with several other Communists. He stated:

I declare that the Communist Party assumes the responsibility for the recent big strikes in Euzkadi * * * and throughout Spain.

Now, do you still claim that the strikes were not Communist inspired?

MR. FISHMAN. You are asking me if I "claim." Why don't you ask Mr. Reuther, who sent \$20,000 in support of these strikes—why don't you ask the trade unions?

I don't understand why Mr. Nittle even reads such a statement to me. What knowledge would I have of any of this?

The fact still remains that the trade union movement throughout the world—I would like to see Mr. Reuther publish the same kind of article, because I think it is more true—

(Document marked "Fishman Exhibit No. 8-A" and retained in committee files.)

MR. TUCK. Ask another question.

MR. FISHMAN. —that the confederation of trade unions played a leading role in Spain, and not the Communists.

MR. NITTLE. Is it not the immediate objective—

MR. FORER. The question was an argument.

MR. NITTLE. Is it not the immediate objective of the Veterans of the Abraham Lincoln Brigade, in the present fund-raising and other activities, to assist in the strengthening of the Communist underground in Spain and also to that end to obtain the release of imprisoned Communists?

MR. FISHMAN. I have no such knowledge or belief.

MR. NITTLE. Is it not the long-range objective of your organization, by working in concert with the world Communist movement, to establish a Communist dictatorship in Spain?

MR. FISHMAN. What organization?

MR. NITTLE. Are you not the organization?

MR. FISHMAN. What organization?

MR. NITTLE. Mr. Fishman, the Veterans of the Abraham Lincoln Brigade.

MR. FORER. What is the pending question?

MR. NITTLE. I inquired of this witness whether it was not the long-range objective of his organization, the Veterans of the Abraham Lincoln Brigade—

MR. FORER. He hasn't said it is his organization. Why don't you name the organization?

MR. NITTLE. Strangely enough, he became much more communicative in March of last year, when an article was published in *Esquire* magazine, reporting an interview with him, in which he was reported as saying, that is, with respect to the Veterans of the Abraham Lincoln Brigade—you were quoted as telling Mr. Brock Brower, the author of the magazine article:

I'm the organization. There's no other thing. If there's something to decide, I talk it over with the guys, and then decide what I'm going to do. Cockeyed, but that's the way it is.

MR. FISHMAN. Is it conceivable that Mr. Brower made a mistake and misquoted?

MR. TUCK. Did you make that statement?

Mr. FISHMAN. I refuse to answer on the grounds previously stated. (Document marked "Fishman Exhibit No. 9" and retained in committee files.)

Mr. FORER. Governor, I don't understand. Was the witness brought here so Mr. Nittle could read long excerpts from the *World Marxist Review*? Was that *Life* magazine?

Mr. BRUCE. I make the point that counsel is out of order.

Mr. TUCK. Proceed.

Mr. NITTLE. Mr. Chairman, testimony before the Subversive Activities Control Board clearly shows that this organization, the Veterans of the Abraham Lincoln Brigade, was created in accordance with directives issued by the Politburo of the Communist Party, U.S.A., beginning in late 1937, in anticipation of the return of veterans from Spain. These directives were issued at a series of meetings at which representatives of the Comintern were in attendance, particularly Fred Brown of the staff of Gerhart Eisler, who was then the Comintern representative in the United States.

Official Communist Party reports established that the principal objective and major purpose of the Veterans of the Abraham Lincoln Brigade was to serve as an integral part of the Communist Party apparatus, to advance Marxism-Leninism and Communist influence in the United States, particularly by keeping alive the struggle for a Communist victory in Spain as the back door to Latin America, at the same time providing a vigorous group of men to carry out party programs.⁹

Mr. Fishman, do you not have personal knowledge of such objectives and purposes of your organization, which you serve as secretary?

Mr. TUCK. Name the organization.

Mr. NITTLE. The Veterans of the Abraham Lincoln Brigade.

Mr. FISHMAN. I have no knowledge of such objectives on the part of myself or the Veterans of the Abraham Lincoln Brigade.

Furthermore, it seems to me that if you are giving such long answers, and you seem to know it all, why don't you sit here and investigate yourself?

Mr. TUCK. Proceed, Counsel.

Mr. NITTLE. Mr. Fishman, you have refused to respond to the question whether you stated to Mr. Brock Brower of *Esquire* magazine that you were the organization.

I would like to ask you again whether you did not tell Mr. Brock Brower, as he reported in *Esquire* magazine, that you are the organization?

Mr. FISHMAN. What organization?

Mr. NITTLE. The Veterans of the Abraham Lincoln Brigade.

Mr. FISHMAN. I refuse to answer on the grounds previously stated.

Mr. NITTLE. If you had said that you were the organization, that would not be entirely accurate in any event; would it?

Mr. FISHMAN. It is kind of a loaded question, wouldn't you agree, Mr. Nittle?

Mr. NITTLE. But it would not have been accurate, would it?

⁹ See Subversive Activities Control Board Report of December 21, 1955, setting forth various findings of fact with respect to the Veterans of the Abraham Lincoln Brigade, which justified the issuance of an SACB order requiring the VALB to register as a Communist front with the U.S. Attorney General.

Mr. FISHMAN. I refuse to answer on the grounds previously stated.

Mr. NITTLE. Is it not more correct to say that the ultimate controlling hand of the organization is the Communist Party?

Mr. FISHMAN. Which organization?

Mr. NITTLE. The Veterans of the Abraham Lincoln Brigade.

Mr. FISHMAN. Not in my opinion; and as a matter of fact, I think the court of appeals will uphold this.

Mr. NITTLE. As executive secretary of the organization, the Veterans of the Abraham Lincoln Brigade, do you act under the discipline of the Communist Party?

Mr. FISHMAN. I haven't said I was the executive secretary of the Abraham Lincoln Brigade.

Mr. NITTLE. Well, are you?

Mr. FISHMAN. I refuse to answer on the grounds previously noted.

Mr. NITTLE. You do not deny it. In any event, are you under the discipline of the Communist Party?

Mr. FISHMAN. I refuse to answer on the grounds previously noted.

Mr. NITTLE. Mr. Fishman, the committee is informed, and it believes reliably, that you have been a member of the Communist Party. Would you tell us whether that information is reliable?

Mr. FISHMAN. I refuse to answer on the grounds previously noted.

Mr. NITTLE. Among other sources, the basis for the statement as to your membership in the Communist Party rests on no less an authority than the official Communist publication, the *Daily Worker*.

I hand you a photostatic copy of page 4 of the January 11, 1943, issue of the *Daily Worker*, marked for identification as "Fishman Exhibit No. 10." I direct your attention to an article titled "Chelsea Communists—Community Patriots," by Sender Garlin.

The article deals with the Chelsea, New York, Communist club, its objectives and leadership, referring to "Mitch" Berenson as the Communist leader for the Third and Fifth Assembly Districts, and his pride in his associates.

You, Moe Fishman, identified as a Spanish veteran, are named as the chairman of the West Side Village Club of the Communist Party operating under Berenson's leadership.

Were you not, then, correctly identified by the official Communist publication as the chairman of the West Side Village Club of the Communist Party?

Mr. FISHMAN. The date on this is January 11, 1943?

Mr. NITTLE. Yes.

(Counsel confers with witness.)

Mr. FISHMAN. I refuse to answer on the grounds previously stated.

Mr. NITTLE. Mr. Chairman, I offer Fishman Exhibit 10 in evidence.

Mr. TUCK. It is ordered that the document be admitted as a part of the evidence in the record.

(Document marked "Fishman Exhibit No. 10" follows.)

FISHMAN EXHIBIT No. 10

Page 4

DAILY WORKER, NEW YORK, MONDAY, JANUARY 11, 1943

Chelsea Communists-- Community Patriots

By Sender Garlin

When "Mitch" Berenson first opened his eyes he must have sensed that he would one day be an organizer in the Chelsea district of New York. For he was born on St. Patrick's Day—March 17, 1916, and Chelsea, as you know, has a large Irish-American population.

Berenson was named Mitchell in honor of the "reform" mayor of New York City of that period, John Purroy Mitchel. But his father (a graduate of a Tsarist prison) was too busy with his five children and the electricians' union to notice that the mayor's name had only one "l." Mitch has never taken the trouble to make the name conform because he hasn't been addressed by his full handle ever since he was old enough to be scolded by his mother.

It's the fashionable thing to say about any organizer that he's popular with his people, but in Mitch's case it happens to be literal truth. He is Communist chairman of the 3rd and 8th Assembly Districts on the West Side, and there are few things about Chelsea, past or present, that he doesn't know about. And more important, there are few community organizations and their leaders that he doesn't have contact with. All of which means that he is personally acquainted with a good many of the 78,000 people who inhabit Chelsea.

UNION MAN

Now only 26, Mitch began to before-and-after-school work when he was 10. He was successively a newsboy with a couple of routes in Flatbush, an errand boy and cleaner-upper in a big dress shop, and later, at 17 when he was expelled from the senior class in high school for militant activities, he learned the trade in the dress shop and joined the International Ladies Garment Workers Union where he still is in good standing.

He had just moved into a shiny new flat on West 18th St. and was arranging his books when I came over to talk with him yesterday afternoon. He hauled out an antediluvian portable typewriter and I punched out my notes as he talked.

"The main problem, obviously," he began, "is to unify the community, the leadership of the various old parties, churches and fraternal organizations behind war activity. While the leadership of

FISHMAN EXHIBIT No. 10—Continued

these groups, of course, recognize the need for victory over the Axis, shoremen, Mitch said that in peace they haven't translated this under- time their families (most of them standing into active organization to large) found living an ordeal and unite the population of Chelsea be- were constant sufferers of economic hind the victory program of the insecurity, due to the "shape-up" Roosevelt administration. method of hiring on the waterfront.

"The chief aim of the Communist Party of Chelsea—in this connec- tion—is to unite the leadership and to convince them that the needs of wartime demand a new approach on their part. Instead of waiting for the people to come to them with those simple, (important, of course) day-to-day problems and dispensing the traditional 'favors' associated with Tammany, they must learn to lead and inspire the people, and to deepen their understanding on the issues of the war."

BROWDER'S BOOK

Berenson added significantly that this presupposes, of course, that the leadership itself must acquire that deeper understanding. Earl Browder's great book, *Victory— and After*, he suggested, might serve that purpose most effectively, and informed me that the Chelsea Communist organization has seen to it that all responsible community leaders receive copies of the book.

The block plan outlined by the Civilian Defense authorities, the organizer went on would serve as a centralized civilian defense mobilization if the program would be carried into effect. He explained that one of the principal reasons for the slowness in the development of a mass war movement in Chelsea is due to the poor living conditions of most of the community.

NEW CONGRESSMAN

The Communist leader went on to say that these workers "see no relief coming from the local leadership of the dominant union in the industry, from the Democratic Party organizations, or from the influential leaders of the community." He made clear, however, that the newly-elected Congressman, Thomas F. Burchill (D.), "has an appreciation of these problems and has an historic opportunity to advance the interests of the people by his work in the House of Representatives and at home amongst his own neighbors."

Burchill, incidentally, is himself the son of a longshoreman.

Referring to the work of the Chelsea Communist organization, Mitch said that both the waterfront clubs and the Third and Fifth were grappling with the problems facing the longshoremen. The Party at this time draws its main strength, however, from the professional and white collar workers. "While gratified at the growing response of

FISHMAN EXHIBIT NO. 10—Continued

these new members of ours, we are fully conscious of the need for establishing a base among those elements of the population which are crucial in production, such as the waterfront workers."

Mitch said the present working program of the Chelsea Communist organization can be broken down into three major points, namely: "(1) learning how to work with the new approach to the Party organization, especially in the big clubs now being formed; (2) making a success of the Party recruiting drive by the development of mass work; and (3) building the sales of the Daily Worker and The Worker, which are the long-range organizers of the American people."

The Chelsea organization is starting a regular Sunday afternoon forum with this writer as the speaker on Jan. 24.

PROUD OF CHELSEA

Nobody could possibly accuse Mitch Berenson of being self-satisfied or stuffy. In the most natural way he constantly balanced the pluses with the minuses of Party work. Modest, he is by no means the consciously "self-effacing" type. He's proud of the work of his Third and Fifth A. D., and proud of his able associates: Norah Pendleton, the organization secretary, daughter of an old Virginia family, now a student in the C. P. state training school; Janet Taylor, the little brunette called the "section jeep," who is Press Director and

hence responsible for putting the Daily Worker and The Worker on the Chelsea map; Martha Millet, the attractive young executive secretary of the Chelsea club. Once a practising poet, she is now a poetical (though highly efficient) club leader; Rae Gwynn, organizer of the branch in the Negro area in the Fifth A. D., who, with her coal-miner husband, Charlie Gwynn, has participated in historic labor struggles in Pennsylvania, Ohio, Colorado and Utah; Al, chairman of the Italian branch, a splendid worker, says Mitch; Moe Fishman, Spanish vet, chairman of the Village club on the West Side; Leon, secretary of the club that operates east of Fifth Ave., and Pete Saunders, chairman of the branch in the Negro area. A Negro miner, Saunders is now attending the section training school of the Party.

Lest I forget: legends persist that Communists have neither time nor desire for "personal life." Therefore I asked Mitch Berenson what he liked to do in his spare time, which I assumed he can arrange to have—if indeed he is a good organizer. This is what I learned: he likes to read, play with his 15-month-old son whom he named Pelle after Martin Anderson Nexø's famous proletarian character, and he's fond of the theatre.

If I were writing the regulation "human interest" story I'd wind up by saying that Mitch is a "regular fellow."

Mr. NITTLE. May I also ask, Mr. Chairman, that at the respective points in the interrogation Exhibits 8-A and 9 be admitted in evidence?

Mr. TUCK. They will be made a part of the record.

Mr. NITTLE. Mr. Fishman, have you not continuously maintained your membership in the Communist Party since that time to the present?

Mr. FISHMAN. I never said I ever was a member of the Communist Party.

Mr. NITTLE. You are given an opportunity now to affirm or deny the description given of you and the identification given of you in the *Daily Worker* as chairman of the West Side Village Club of the Communist Party.

Mr. FISHMAN. I refuse to answer on the grounds previously stated.

Mr. NITTLE. Did you not also serve in the International Brigade in the Spanish Civil War during the years 1937 and 1938?

Mr. FISHMAN. What is the pertinence of that in the subject under inquiry, the pertinence of that question?

Mr. NITTLE. The pertinence of the question is that this is the subject under inquiry: Your activity with the Veterans of the Abraham Lincoln Brigade and with respect to specific solicitations.

Mr. FISHMAN. A specific solicitation. And what has that got to do with my relationship with anything else in terms of what I did in 1937 and 1938?

Mr. NITTLE. Did you or did you not serve in the International Brigade in the Spanish Civil War during those years?

Mr. FISHMAN. I refuse to answer on the grounds previously stated.

Mr. NITTLE. I hand you a photostatic copy of a passport application, executed March 31, 1937, subscribed to by one Mosess Fishman, marked for identification as "Fishman Exhibit No. 11."

Is that not a true copy of your application made to the Department of State under your signature, together with your appended affidavit in support of it?

Mr. FISHMAN. Mr. Chairman, what has this got to do with the subject under inquiry, please?

Mr. TUCK. The witness has been informed of the purposes of this investigation; it is obvious that it is pertinent. And I order and direct the witness to answer the question.

(Counsel confers with witness.)

Mr. FISHMAN. I refuse to answer on the grounds previously stated.

Mr. POOL. When was the last time you were in Spain?

(Counsel confers with witness.)

Mr. FISHMAN. I never said I was in Spain.

Mr. POOL. You do not answer the questions, is that it?

Mr. FISHMAN. I refuse to answer the question on the grounds previously stated, yes.

Mr. TUCK. Proceed, Counsel.

Mr. NITTLE. I offer Exhibit 11 in evidence.

Mr. TUCK. The document will be admitted in evidence and made a part of the record.

(Document marked "Fishman Exhibit No. 11" and retained in committee files.)

Mr. TUCK. The gentleman from Ohio.

Mr. ASHBROOK. Could we remind the witness that early in his testimony he referred to the fact that he had not been in Spain lately. I wonder if he was correct in that statement. I am pretty sure that is what the record will show.

Mr. FORER. That does not mean he had been in Spain earlier. I was just trying to ask, Mr. Ashbrook.

Mr. POOL. I think that the counsel is out of order and I think you should direct him not to interrupt.

Mr. TUCK. Well, he has already been informed.

Have you been to Spain?

Mr. FISHMAN. I refuse to answer on the grounds previously stated.

Mr. TUCK. Proceed, Counsel.

Mr. NITTLE. Mr. Fishman, in that application, you swore to the truth of statements to the effect that you made application for a United States passport for the purpose of visiting England, France, and Poland to see relatives and that you intended to return to the United States within 3 months.

Appended to your application is your affidavit that you did not intend to use any passport for which you were making application for travel to Spain.

Mr. Fishman, at the time you swore to that application, was it not your purpose to obtain a passport for the purpose of traveling to Spain to serve the Communist cause in the International Brigade in Spain, and not to visit relatives?

Mr. FISHMAN. I didn't admit to that being my passport, or that being my application. And many a good man died upholding the cause of democracy, signing that same affidavit.

Mr. TUCK. Will you answer the question, and not make a speech?

Mr. FISHMAN. I refuse to answer on the grounds previously stated.

Mr. TUCK. Proceed.

Mr. NITTLE. Was not the Abraham Lincoln Battalion composed of Americans constituted as a part of the 15th Brigade—

Mr. FISHMAN. Mr. Chairman, what is the relevance of all of these questions to the purpose of the inquiry? It seems to be wandering far away, has nothing whatsoever to do with the question under inquiry.

It started out in this direction, and has completely deteriorated into questions about policies over the world and this organization and that organization. It has nothing to do with the subject under inquiry.

Mr. NITTLE. This goes to the question of your knowledge and disposition. It bears upon your knowledge, in fact, of the purposes for which you have inserted these advertisements, your knowledge as to the Communist affiliations of the persons involved.

Mr. FISHMAN. How can my getting a passport in 1937 have any kind of bearing on the matter under discussion? I don't see it.

Mr. TUCK. The witness has been informed of the pertinency of the question, which was obvious before he asked that question.

The Chair now orders and directs the witness to answer the question.

Mr. FISHMAN. I refuse to answer on the grounds previously stated.

Mr. TUCK. Proceed, Counsel.

Mr. NITTLE. I should state for the record, Mr. Chairman, that International Brigades were set up in Spain commencing in the fall of 1936 and units thereof first participated in the Spanish Civil War in November 1936.

Mr. TUCK. Proceed.

Mr. NITTLE. Mr. Fishman, the report and order of the Subversive Activities Control Board, in its decision of December 21, 1955, declared that the Abraham Lincoln Brigade was organized by the Communist Party pursuant to a directive from the Communist International in Moscow. Do you possess any knowledge to the contrary?

Mr. FISHMAN. Are you trying that case again here? I mean this was adjudicated in another hearing. It is now before the courts.

Mr. TUCK. Will the witness answer the question?

Would you repeat the question, please?

Mr. NITTLE. I asked whether you possess any knowledge to the contrary. You did not testify in the hearing before the Subversive Activities Control Board.

Mr. FISHMAN. But there was ample testimony given at that hearing.

Mr. NITTLE. And we would like your testimony now, if you choose to give it.

Mr. FISHMAN. I do not choose to give it.

Mr. NITTLE. I will ask a direction.

Mr. Chairman, I respectfully request that he be directed to answer the question.

Mr. TUCK. He refuses to answer that question. Proceed to ask him another question.

Mr. POOL. Mr. Chairman, I would like the witness to state his reasons for not answering the question.

Mr. FISHMAN. On the same grounds.

Mr. NITTLE. Were not thousands of Communists, in that manner, at the direction of Moscow, poured into Spain in the course of the civil war, with the objective of assisting the Communist Party of Spain in seizing power in the course of the Spanish Civil War?

(Witness confers with counsel.)

Mr. FISHMAN. That is not my version of history.

Mr. NITTLE. Do you possess knowledge to the contrary?

(Witness confers with counsel.)

Mr. FISHMAN. You are asking an opinion, and in my opinion the facts are very much to the contrary. And I still don't see what bearing this has on whether or not a little ad placed in a newspaper has any relationship to all of this.

Mr. NITTLE. Was not the Abraham Lincoln Brigade a Communist-organized unit?

Mr. FISHMAN. I refuse to answer on the grounds previously stated.

* * * * *

Mr. NITTLE. Are you presently a member of the Communist Party?

Mr. FISHMAN. I refuse to answer on the grounds previously stated.

Mr. NITTLE. Were you a member of the Communist Party following the close of World War II?

Mr. FISHMAN. I again refuse to answer on the grounds previously stated.

Mr. NITTLE. Did you not have access to the Communist directives?

Mr. FISHMAN. What bearing can that possibly have to the subject under inquiry? The counselor is roving over a whole historic epoch and asking me opinions of which certainly I have no knowledge. I can read the same books that the counselor reads.

Mr. TUCK. If you have no knowledge, simply state that you have no knowledge.

Mr. FISHMAN. But what is the purpose of the inquiry?

Mr. TUCK. We have stated the purpose here several times.

Mr. FISHMAN. If you can see any relationship between these questions and the purposes, it really escapes me.

Mr. TUCK. We are not here to argue with the witness but simply to have him answer questions, which he can answer or not.

Mr. NITTLE. Mr. Fishman, I now hand you a photostatic copy of another passport application, marked for identification as "Fishman Exhibit No. 12," dated March 16, 1961, bearing the signature of Mosess Fishman, together with an attached statement under the signature of Mosess Fishman, setting forth:

I fought in the International Brigade which was part of the Spanish Republican Army for parts of 1937 and 1938 but I did not take an oath of allegiance to the Spanish Government nor did I participate in their electoral activities or elections.

Is that exhibit a true copy of the application and statement filed by you with the Department of State on March 16, 1961?

Mr. FISHMAN. I refuse to answer on the grounds previously stated.

(Document marked "Fishman Exhibit No. 12" and retained in committee files.)

Mr. NITTLE. On that application, you swore under oath that your purpose in making application for a passport was to visit "France," and you set forth that your purpose was "Convention and pleasure."

At the time you made this application, did you not again falsely certify to the purposes and places of your intended visit for which you sought a passport?

Mr. FISHMAN. Mr. Governor, the statement here specifically says that this is a preliminary investigation. It "indicates that under the guise of assisting 'political prisoners' and 'striking workers,' the Veterans of the Abraham Lincoln Brigade has, in fact, sought financial and other contributions from United States citizens for the purpose of assisting the Communist movement" * * *. We desire to explore—this is specifically what the thing says—"the nature and extent of these activities"—referring obviously to the financial and other contributions, "with the view toward determining the necessity for remedial legislation."

Now, I fail to see how inquiring about a passport in 1937 and a passport in '61, and whatever other activities of this nature, have to do with specifically what the committee seeks to establish—"financial and other contributions from United States citizens for the purpose of assisting the Communist movement in Spain."

Mr. TUCK. The committee is thoroughly familiar with the statement, which was read here in your presence this morning and which has been explained to you on at least two other occasions by counsel.

The Chair is of the opinion that it is pertinent to inquire into the background of this organization and your connection with it. The question is pertinent, and you are ordered and directed to answer the question.

Mr. FISHMAN. I refuse to answer on the grounds previously stated.

Mr. NITTLE. And pursuant to that application, was not a United States passport issued to you on March 20, 1961?

Mr. FISHMAN. I repeat, Governor, that this is going far astray, really far astray.

Mr. TUCK. Answer the question.

Mr. FISHMAN. I refuse to answer on the grounds previously stated.

Mr. NITTLE. Mr. Fishman, did you not make application for this passport in March 1961 for the purpose of assisting a Communist propaganda offensive in East Germany in connection with your duties as executive secretary of the Veterans of the Abraham Lincoln Brigade, by attending a meeting of the "Anti-Fascist Committee," which met in the so-called East German Democratic Republic during the week of July 18 to July 25, 1961?

Mr. FISHMAN. What is the question? I heard a number of things stated.

Mr. NITTLE. Did you not make application for a passport for the purpose of going to the East German so-called Democratic Republic, which was holding a meeting of the Anti-Fascist Committee during the week of July 18 to July 25, 1961?

Mr. FISHMAN. I already answered that when you asked questions about the application.

Mr. NITTLE. Will you please answer the question?

Mr. FISHMAN. I refuse to answer on the grounds previously stated.

Mr. NITTLE. That you should be so reticent at this time is surprising, in view of the fact that your visit to East Germany on this occasion was reported in the article of Brock Brower in *Esquire* magazine last March, to which I referred, Exhibit 9.

Mr. Brower reports that you met some of your associates in the International Brigade on that occasion; that you heard repeated in German the farewell speech to the International Brigades originally given in Spanish by "La Pasionaria" at the close of the Spanish Civil War. Was Mr. Brower's report of your interview accurate?

Mr. FISHMAN. I refuse to answer on the grounds previously stated. And again, what has this got to do with the subject under inquiry?

Mr. NITTLE. Although not identified in Mr. Brower's article, was not "La Pasionaria" none other than Dolores Ibarruri, a member of the Central Committee of the Spanish Communist Party?

Mr. FISHMAN. Why does hearing somebody in Germany, repeating a speech she made in 1938, and my hearing it in Germany—

Mr. BRUCE. I ask that the chairman direct the witness to answer the question.

Mr. TUCK. I direct the witness to answer the question.

Mr. FISHMAN. I refuse to answer on the grounds previously stated.

Mr. NITTLE. Have you had any communication with Dolores Ibaruri since 1961?

Mr. FISHMAN. No.

Mr. NITTLE. Did you have any correspondence with her, soliciting a message from her for a rally held in New York City in the spring of 1962?

Mr. FISHMAN. I refuse to answer on the grounds previously stated.

Mr. NITTLE. She did send greetings to your Veterans of the Abraham Lincoln Brigade, which was conducting a rally at Palm Gardens, New York, did she not?

Mr. FISHMAN. I refuse to answer on the grounds previously stated.

MR. BRUCE. Mr. Chairman, could we have the stenographer read back the last two questions prior to this one and the answers to them?
(The record was read by the reporter.)

MR. BRUCE. I suggest that the witness himself has opened up further questioning in this area and has waived his right to the fifth amendment by a contradictory answer here, where he answered the one question "No" and replied to the next question with the fifth amendment. We have a right to show which is correct.

MR. TUCK. The witness is ordered and directed to answer the question.

MR. FISHMAN. What question, please?
(The reporter read as follows:)

MR. NITTLE. Have you had any communication with Dolores Ibarruri since 1961?

MR. TUCK. The question is, Have you had any correspondence with this party, whose name I cannot pronounce?

MR. NITTLE. Dolores Ibarruri, Mr. Chairman.

MR. FORER. When?

MR. TUCK. Since 1961.

MR. FISHMAN. The answer is, No.

MR. TUCK. Then what is the next question?

Read the question one more time, and I order and direct you to answer that question.

(The reporter read as follows:)

MR. NITTLE. Have you had any communication with Dolores Ibarruri since 1961?

MR. FISHMAN. No.

MR. FORER. Governor, may we have the record show at this point what that question was that he reread?

MR. TUCK. It is in the record.

MR. NITTLE. Did your organization, the Veterans of the Abraham Lincoln Brigade, receive a communication from Dolores Ibarruri, sending greetings to a rally conducted by the Veterans of the Abraham Lincoln Brigade in the spring of 1962?

MR. FISHMAN. I never said it was my organization and I refuse to answer on the grounds previously stated.

MR. NITTLE. Mr. Fishman, in its report and order of December 21, 1955, the Subversive Activities Control Board, after extensive hearings in which the Veterans of the Abraham Lincoln Brigade was represented, found:

The CPUSA [Communist Party of the United States] as a vehicle for carrying on the Communist strategy with respect to Spain, formed the respondent organization [that is, the Veterans of the Abraham Lincoln Brigade] in 1938 prior to the return of most veterans. The [Communist] Party purpose was to use respondent and the shibboleth of anti-fascism as a facade, an instrument to advance Communist influence in the United States and to aid the world Communist movement with reference to Spain.

Are you not presently serving these same purposes in your activities as executive secretary of the Veterans of the Abraham Lincoln Brigade?

(Witness confers with counsel.)

MR. FISHMAN. I don't understand what the purposes are that you are talking about. And certainly I am not carrying out any such purposes.

And furthermore, I would like to know that when the court of appeals overthrows this ruling, as I expect them to, will the Governor and this committee retract all of this garbage that has been spilled all over the record?

Mr. TUCK. The witness is ordered and directed to answer the question.

Mr. FISHMAN. I did answer it, your Honor.

Mr. TUCK. Proceed, Counsel.

Mr. NITTLE. In addition to the "*good used* clothing" which you suggest in your form letter as a form of aid, it appears that you are equally eager to receive cash.

I direct your attention to a statement contained in the coupon of Exhibits 1 and 2, namely, "Please make checks to: M. Fishman, Secretary."

Would you tell the committee how much money you have collected since the publication of that advertisement?

Mr. FISHMAN. I refuse to answer on the grounds previously stated.

Mr. NITTLE. The Subversive Activities Control Board in 1955 reported that of the approximately 3,000 men who went to Spain from the United States to serve in the International Brigade, about 1,800 returned and less than 600 survive today. Would you tell us how many veterans of the Abraham Lincoln Brigade are presently members of your organization?

Mr. FISHMAN. I refuse to answer on the grounds previously stated.

Mr. NITTLE. The Subversive Activities Control Board reported that the evidence established—

Mr. FISHMAN. Why don't you just read their record into the record?

Mr. NITTLE. —that the principal operative officers of the Veterans of the Abraham Lincoln Brigade since its beginning, without exception, were active functionaries and representatives of the Communist Party.

Do you possess any knowledge to the contrary?

Mr. FISHMAN. I refuse to answer on the grounds previously stated.

Mr. NITTLE. Are you presently a member of the Communist Party?

Mr. FISHMAN. I refuse to answer on the grounds previously stated.

Mr. NITTLE. Is not the address of your organization, Room 405, 49 East 21st Street, New York, New York—

Mr. FISHMAN. It has not been established that I have any organization.

Mr. NITTLE. —also the headquarters and office of the American Committee for Protection of Foreign Born, an organization, by the way, cited as subversive and Communist by the Attorney General in 1948?

Mr. FISHMAN. What has that got to do with the subject under inquiry?

Now we are bringing another organization into it, which I don't know—maybe they did send something to somebody, and maybe they are instrumental in doing something very bad. Why don't you call them in and question them?

Mr. TUCK. The question is whether or not the Veterans of the Abraham Lincoln Brigade and this other organization, the American Committee for Protection of Foreign Born, occupy the same address in New York.

Is that correct or not?

(Witness confers with counsel.)

Mr. FISHMAN. I refuse to answer on the grounds previously stated.

Mr. NITTLE. Mr. Fishman, during the 1940's and into the 1950's, the Joint Anti-Fascist Refugee Committee, an organization likewise cited as subversive and Communist by the Attorney General in 1947, operated what it called the "Spanish Refugee Appeal." You were familiar with this operation, were you not?

Mr. FISHMAN. I refuse to answer on the grounds previously stated.

Mr. NITTLE. I hand you an item marked—

Mr. FISHMAN. And again, the committee has been out of existence since 1950-something. I don't know when. It is years.

Mr. NITTLE. I hand you a copy of item marked "Fishman Exhibit No. 13."

It is a letter dated October 30, 1950, written on the stationery of the Spanish Refugee Appeal of the Joint Anti-Fascist Refugee Committee, and cosigned by you as secretary of the Veterans of the Abraham Lincoln Brigade. I ask you to examine that exhibit.

Mr. Chairman, I offer that exhibit in evidence.

Mr. TUCK. It is ordered admitted as a part of the record.

(Document marked "Fishman Exhibit No. 13" and retained in committee files.)

Mr. FISHMAN. May I read it into the record?

Mr. TUCK. Did you send it or not?

Mr. FISHMAN. May I read it into the record?

Mr. TUCK. Well, did you send it?

Mr. FISHMAN. I refuse to answer on the grounds previously stated.

Mr. NITTLE. Among other things, the Spanish Refugee Appeal of the Joint Anti-Fascist Refugee Committee collected clothing and other materials ostensibly for persons in Spain who were suffering political persecution.

It is a fact, is it not, Mr. Fishman, that you were actually in charge of the warehouse where the Joint Anti-Fascist Refugee Committee collected these materials?

Mr. FISHMAN. I refuse to answer on the grounds previously stated.

What, again, Governor, has what happened 10, 15, or 20 years ago, with another organization, with no connection whatsoever with what has been being discussed here, got to do with what we are discussing?

Mr. TUCK. We made that very plain, as a part of the background of this.

Mr. FISHMAN. I fail to see, Governor, where it has any kind of relationship whatsoever.

Mr. NITTLE. The Subversive Activities Control Board in the course of its hearings on the Veterans of the Abraham Lincoln Brigade, received sworn testimony that you were in charge of the warehouse. Do you deny the accuracy of this testimony?

Mr. FISHMAN. I refuse to answer on the grounds previously stated.

Mr. NITTLE. The relevance of this particular inquiry will now appear.

The Subversive Activities Control Board report and order on the Veterans of the Abraham Lincoln Brigade found, as a fact, that a

member of the Veterans of the Abraham Lincoln Brigade, who was assigned to do so—and now I quote from the report—

assisted Moe Fishman in packing materials and supplies which ostensibly were going to those suffering in Spain from Franco's regime but which were actually being sent to the Communist underground in Spain. Fishman stated this aid was necessary because the underground was at that time increasing its activities and greatly needed supplies.

Mr. Fishman, were you not then, in connection with the Joint Anti-Fascist Refugee Committee, perpetrating a fraud upon the public by diverting these supplies to the Spanish Communist underground, when they were contributed by American citizens who thought they would be used to assist needy persons who were allegedly suffering political persecution in Spain?

(Witness confers with counsel.)

Mr. FISHMAN. The public record shows that the clothes collected by the Spanish Refugee Appeal were administered and distributed solely by the Quakers and the Unitarians of the United States.¹⁰ And

¹⁰ The Joint Anti-Fascist Refugee Committee, established in 1942, represented itself as a purely "philanthropic" body providing relief and rehabilitation without regard to "creed" to thousands of individuals exiled from their homelands following the Spanish Civil War. The JAFRC identified the "refugees" aided as (1) Spaniards who had fought on the side of the Republican government in Spain and who had left their homeland following Franco's victory in March 1939 and (2) other nationals who had fought in Spain as members of the Comintern-controlled International Brigades and were either imprisoned in Spain after the Republican defeat or stranded in alien countries due to the vicissitudes of World War II.

While World War II was in progress, the JAFRC was required to submit financial reports to the President's War Relief Control Board, which indicated that, from 1942 until mid-1945, \$67,986—or 12% of its total wartime relief collections—had been distributed in France and North Africa through representatives of the American Friends Service Committee. These reports also stated that \$114,360—or 21% of total JAFRC wartime relief—was distributed by the Unitarian Service Committee in France, Switzerland, Portugal (and in 1942-43 in Spain itself). Almost half of the JAFRC's wartime collections was sent to a local "relief" organization in Mexico headed by Vicente Lombardo Toledano, well-known leader of Communist-dominated Latin American labor unions and an avowed "scientific Marxist."

In the spring of 1946—the same year in which Moe Fishman was represented as being in charge of the JAFRC warehouse—the Committee on Un-American Activities conducted hearings on the JAFRC after investigation indicated it was a Communist front, combining political action and propaganda with relief appeals. JAFRC officers refused to obey a committee subpoena calling for their financial records, and they were subsequently convicted of contempt of Congress. The JAFRC's executive secretary did submit a list of agencies which allegedly administered its relief in various countries of Europe, Africa, and Latin America. No Quaker organization was listed, but the Unitarian Service Committee continued to appear as the administrator of funds (and clothing) collected for refugees in France, Switzerland, and Portugal.

Although this congressional committee was denied access to JAFRC records and was unable to investigate the ultimate use of JAFRC funds abroad, subsequent investigations on other matters often provided significant information on the JAFRC. For example, this committee's hearings in 1947 into the activities of Gerhart Eisler, top representative of the Communist International in this country, revealed that for several years Eisler made daily visits to JAFRC in New York, was paid a regular monthly salary by the organization, and rendezvoused in its offices with officials of the Communist Party, USA.

When this committee received testimony in 1948 from Whittaker Chambers on the work of underground Communist cells in U.S. government agencies, Noel Field was mentioned as one of the State Department employees who belonged to such an apparatus in the 1930's. Subsequent witnesses have supplied additional information on Field, who has lived behind the Iron Curtain since 1949 and no longer conceals his Communist sympathies. This same man served as director of the Unitarian Service Committee's European relief activities from the spring of 1941 until the fall of 1947. The church organization dismissed him in 1947 after receiving reports that he showed favoritism toward Communists in his relief work. It admitted that Field had been a free agent in distributing relief supplied by the Unitarians. In the light of these subsequent revelations, the reiteration in Joint Anti-Fascist Refugee Committee publicity that its relief in Europe was administered by the USC is hardly evidence of a nonpartisan relief effort.

In its fund-raising appeals after World War II, the JAFRC also gave much publicity to the fact that it was sending funds through the USC to maintain a hospital in Toulouse, France, for Spanish Civil War veterans. In the autumn of 1950, the French Government arrested and deported hundreds of foreign Communists. The press reported that the principal catch was the Spanish Communist movement centered in Toulouse and that the medical and administrative staff of the JAFRC-supported hospital was included in the roundup.

In 1947, the Attorney General included the JAFRC in a listing of subversive and Communist organizations compiled in connection with the Federal employee security program. In 1953, the Attorney General petitioned the Subversive Activities Control Board for an order requiring the JAFRC to register as a Communist front under the terms of the

your question assumes that I had anything to do with a fraudulent nature or in any other way with this, and I refuse to answer on the grounds previously stated with relation to it, but I deny any fraud.

Mr. NITTLE. Are you not now engaging in a similar operation by collecting money and supplies for the families of persons who, you have stated in public advertisements, are imprisoned in Spain for having taken part in strikes in 1962, when actually the money and supplies are diverted to the Communist underground and, in the instances here cited, these persons are not in jail because they dared to take part in strikes in 1962, some are not living, and some are living in a country other than Spain?

Mr. FORER. That is not a question. That is an argument. How can somebody answer such a question?

Mr. NITTLE. What is your answer to the question?

Mr. FISHMAN. I still don't know what the question is.

Mr. NITTLE. The question is: Are you now engaging in a fraud upon the public of the United States?

Mr. FISHMAN. No, definitely not.

Mr. NITTLE. But you have appealed for clothing and supplies on behalf of persons imprisoned in Spain because of participation in strikes in 1962. And this is not true, is that right?

Mr. FISHMAN. I refuse to answer on the grounds previously indicated.

Mr. NITTLE. To establish the fact of record, and without implying that you are or are not required to do so, have you or has your organization, the Veterans of the Abraham Lincoln Bridge, registered or applied for registration with the Attorney General as an agent of a foreign principal pursuant to the Foreign Agents Registration Act of 1938?

Mr. FISHMAN. I am not going to answer a question which assumes that it is my organization.

Mr. NITTLE. Well, have you applied for registration as an agent of a foreign principal pursuant to the requirements of the Foreign Agents Registration Act of 1938?

Mr. FORER. He said no.

Mr. NITTLE. Has the organization, the Veterans of the Abraham Lincoln Brigade, so far as any knowledge you may possess, made application for registration under such act?

(Witness confers with counsel.)

Mr. FISHMAN. Not to my knowledge.

Mr. NITTLE. Mr. Chairman, no further questions.

Mr. TUCK. No further questions. Does that conclude the interrogation for this witness?

Internal Security Act. This proceeding before the SACB was terminated because the organization went out of business in February 1955.

The dissolution of the JAFRC occurred during public inquiry into its activity by a New York State Joint Legislative Committee on Charitable and Philanthropic Agencies and Organizations. JAFRC officials refused to provide the investigating committee with records on where and how its funds were disbursed and invoked the fifth amendment in response to questioning on the same subject. The New York State body reported that there was reason to suspect the accuracy of the few incomplete records produced by JAFRC officials because several checks entered on the books as contributions to the veterans hospital in Toulouse, France, were actually cashed in New York by a JAFRC employee. The State committee noted that, although the organization's books showed a total collection of \$1,325,010 by the end of 1954, fund-raising and administrative expenses were taking 78 cents of every dollar raised from the public and "there is reason to assume that a good part of the receipts raised from the public * * * went to provide jobs to support the faithful members of the Communist Party."

Mr. NITTLE. Yes, sir.

Mr. TUCK. The Chair is of the opinion that probably there are grounds for further investigation of this matter by the Justice Department, in view of the likelihood of this witness having violated section 1341 of Title 18 of the United States Code with respect to using the mails for fraudulent purposes and violated also section 1001 of the same title in regard to fraudulent statements or representations in connection with any matter or thing within the jurisdiction of any agency of the United States. And I suggest to the staff that they make this evidence and the testimony of this witness available to the Justice Department for such action, if any, that they may deem appropriate.

Mr. NITTLE. Yes, sir. It will be done, Mr. Chairman.

Mr. POOL. I would like to make that as a motion.

Mr. BRUCE. Second.

Mr. TUCK. All those in favor of the motion will say "Aye."

Opposed, "No."

The Ayes have it, and the motion is carried.

The subcommittee will adjourn.

(Whereupon, at 12:15 p.m. Monday, July 29, 1963, the witness was excused and the subcommittee adjourned.)



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